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ABSTRACT

The report of the Task Force on Indian Education to the American Indian Policy Review Commission delineates the interweaving of past policies and practices with present needs and concerns of Indian education. Reviewing 400 years of Indian education, the report was compiled from federal, state, local, and private records, public hearings, conventions and meetings, site visits, surveys, and interviews with officials, educators, and parents. Interim recommendations deal with service delivery, local control, off-reservation boarding schools, USOE and BIA programs, BIA day schools, the scholarship program, Title IV, Johnson-O'Malley program, noncompensatory educational programs, and data collection. Long-term recommendations call for a comprehensive education bill to insure adequate quantity and quality of education services to Indian peoples; policy guidelines which clearly reaffirm the commitment of Congress to meet Indian educational needs, and a congressional policy of support and financing for Indian community control of Indian education. Material is presented on historical policies and finances affecting Indian education, federal agencies in Indian education, state policies and finance, field hearing findings, and special studies (Navajo education, nonrecognized Indians, primary/secondary education, off-reservation boarding schools, Indian community controlled schools, higher education). (RS)

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REPORT ON INDIAN EDUCATION

TASK FORCE FIVE: INDIAN EDUCATION

FINAL REPORT
TO THE
AMERICAN INDIAN POLICY REVIEW COMMISSION

U S DEPARTMENT OF HEALTH.
EDUCATION & WELFARE
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Earl J. Barlow, Blackfeet, *Member*
Lorraine F. Misiaszek, Colville, *Member*
Kathy McKee, Missouri-Cherokee Algonquin,
Task Force Specialist
Kyle Joan Patterson, Tuscarora, *Intern*

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LETTER OF TRANSMITTAL

American Indian Policy Review Commission,
Congress of the United States,
Washington, D.C., September 2, 1976.

Mr. Ernest L. Stevens,
Executive Director, American Indian Policy Review Commission,
Washington, D.C.

Dear Ernie: I am pleased to transmit herewith the Final Report of the Indian Education Task Force 5.

I have appreciated the opportunity to work for the Commission reviewing Indian educational policies, with the hope that new and more effective directions will be forthcoming.

After the report has been reviewed by the Commission, the task force recommends that it be printed and circulated throughout the Indian educational communities.

I wish you Godspeed in the work toward the final report of the Commission to the U.S. Congress.

Cordially,

Helen M. Scheirbeck,
Chairwoman, Indian Education Task Force.

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TO THE AMERICAN INDIAN POLICY REVIEW COMMISSION

THE FINAL REPORT—TASK FORCE 5—INDIAN EDUCATION

(Submitted by: Helen Maynor Scheirbeck, Chairwoman; Earl J. Barlow, Member; Lorraine Misiaszek, Member; Kathy McKee, Specialist; Kyle Joan Patterson, Intern)

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Many federal officials at the U.S. Office of Education and the Bureau of Indian Affairs generously contributed their time and openly discussed their experiences and insights with the task force. They have our sincere appreciation and gratitude.

A special debt of gratitude is due to Kathy McKee, our Task Force Specialist, and Kyle Patterson, our summer intern, without whose untiring assistance the final report could not have been completed.

It is our hope that this report will bring to the Commission and the U.S. Congress, a better understanding of the educational background and needs of all Indian people. Our work has been directed to creating a foundation for a better future for all Indian people and their children.

Preface

Many hundreds of years ago, at the beginning of history, our wise men foretold of the coming of other peoples to this land. They foresaw a time of rapid change and confusion in which our youth would be growing into adulthood unprepared to cope with these new conditions. We the Native American people, are now at that very point in our history and we must take account of our responsibility to our young. Our ancient wise men never imagined that we would not or could not respond to that responsibility. Responsibility for the welfare of the young is so much a part of Native American life that it is assumed.

Throughout most of history, Native Americans were the most free and the most responsible of peoples. We were free to make decisions and to deal with our own destiny. It is a truism that freedom and responsibility are opposite sides of the same coin. Thus, through freedom we became responsible and through responsibility we became more free. Unfortunately, for most of the last hundred years, we have not been free, in the ultimate sense of the word, and thus we have not been able to exercise our responsibility. However, the situation of our young demands that we attend to their educational needs. We know that the development of our children must be not only the responsibility of the school, but also of parents, relatives, and the whole community. It must be a joint responsibility, as it is among all other Americans. Such a setting can only be provided by Indian controlled schools.

We see the function of the Indian controlled schools as two-fold. Firstly, it gives us, Native American adults, a chance to express our concern for our children and to help them in their education. Further, it is a place for us to learn, and to make a contribution. We have learned much about modern life by democratically electing school boards, by discussing budgets and curriculum, in negotiations with teachers, and by just being involved in the workings of a modern American institution. Of course, our main concern is for our children's education. We want to help the school develop the student into a person who knows how to live in harmony with others and who has respect for himself and all men. We would like to see our children finish their formal education exemplifying those personal qualities we hold most dear—courage, generosity, wisdom, humility; and especially in these times, initiative and discipline. On the other hand, we want our children to have the best of training in academic skills; to be prepared to choose a career in professional, technical, vocational, or the creative arts arenas. Most of all, we want our schools to help our children fulfill themselves as individual human beings. We know that education starts in the home and continues in the school. We must see to it that the home and the school complement one another and are consistent and mutually supportive. We feel that these goals can be realized only through Indian control of our schools.

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We Indian adults do not need to read the mountains of scholarly studies on Indian education to know how badly the schools of the past have failed us. We know it only too well from personal experience. A few tribes in the last century, like the Cherokee and Choctaw, operated their own school systems and brought their people to a higher level of literacy than their non-Indian neighbors but their school systems were abolished by the U.S. government in the 1890's and their educational level has since plummeted disastrously. All too often, schools were used as a weapon against Indians in order to destroy what we hold most dear—our culture and our civilization. Instead of building on what we were as a people so that we became educated in Western ways, as it is normally done, we were almost demoralized by this attack on our very being as individuals.

It is a miracle that we have survived as well as we have and it is no wonder that we have not been able to use the school in the past as a vehicle for our improvement. We feel we must now step forward to act in our own behalf and in our children's behalf. We cannot act in our behalf in the educational realm unless we have Indian controlled schools.

However, we must say in all honesty that it is difficult for us to act responsibly in our own behalf under the circumstances in which we are compelled to function. No other American school functions under such a cloud of uncertainty as we do in our Indian controlled schools. In spite of treaties and various recent Congressional acts we have neither permanent nor adequate funding. We must compete with other federal, state and tribal priorities for short-range funding. We are made to feel like the proverbial step child or like we are an indulgence which might be terminated at any time. As a result, too much time and effort goes into securing funds rather than focusing on the educational needs of our children. We feel frustrated, discounted and irresponsible because of this situation. Our planning suffers and so our children suffer. We treat our children with concern and respect and we would like to think that the U.S. government wants to hasten this kind of mutual respect among all its citizenry, even in the relation between itself and Indian controlled schools.

We want our children to take their rightful place in the destiny of America as have the children of so many people. We know that America is now a mosaic of many different groups. Most of them have made themselves a secure place in our system. We know that America allowed them to use the school system to better themselves, to insure their children's success. We only ask the same.

It has taken more than one hundred years to bring the Indian people to this present low point in our history. The schools must accept much of the blame for that decline. We know, however, that if Indian people are allowed to create a bicultural education for our children which will blend the best of two great civilizations then we will not need one hundred years to regain our greatness as a people. And we know we will live to see the day when our children take their place in the American sun.

—Coalition of Indian Controlled Schools

SECTION I

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

SECTION I

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

A. INTRODUCTORY STATEMENT

Education is viewed in the United States as a traditional formal arena of schooling from the elementary to the high school, college or vocational school levels. Such schooling is organized to take place in an institutional setting usually from six years of age to twenty-five year-olds. Education is the arena in which not only academic and vocation skills but culture, mores, and social values are transmitted to the student.

These institutions are molded clearly according to the American society's values and goals. Instead of education being used as a tool for developing the goals, aspirations, and skills of Indian people for themselves and their communities, American Indians have found themselves attending institutions organized and operated either by the federal or state government.

Many of the social and economic ills prevalent in the Indian communities today, and attendant problems of Indian students can be clearly traced to such educational institutions.

In analyzing the law which created the American Indian Policy Review Commission, the Indian Education Task Force formulated its work around the following issues:

1. A historical review of the federal relationship with Indian tribes;
2. A review and evaluation of the manner and extent to which federal agencies have implemented the federal role;
3. A review and analysis of the manner in which Indian tribes and communities have been included or excluded from the flow of federal services;
4. An exploration of alternative representative and service entities to insure maximum participation of Indian people in national policy formation and program development;
5. An analysis of how findings must be incorporated into existing laws, policies and procedures to insure effectuation of the purposes of the Commission.

Our work has looked at all levels and ages of Indian education and all Indian people.

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B. OVERVIEW

In carrying out its responsibilities as defined by P.L. 93-580, it has been the perception of the Task Force that arriving at a clearcut statement of the federal role in Indian education hinged not upon completion of any one task defined by the law, but upon delineating the interrelationship of the tasks defined as they relate to education.

To achieve this end, the Task Force effort has covered a time frame of nearly four hundred years. Federal, state, and private organization records have been reviewed in an effort to determine the extent and nature of past educational services to Indians.

Throughout its efforts, the Task Force has attempted to delineate the interweaving of past policies and practices and present needs and concerns of Indian Education. The rationale for this approach has been that the historical research will serve to define the legislative, administrative and policy contexts in which educational services have been provided to Indian people of all ages throughout the United States.

As a starting point for the historical review, attention was briefly focused on the Pre-Columbian period. For, as one Task Force member pointed out, prior to the arrival of the explorers in the New World, Indian people had their own educational mechanisms. These mechanisms could be analyzed in terms of goals, process and content. These goals, processes and contents allowed Indian tribes and communities to shape their own destinies. Thus, he noted, the historical fate of Indian people can be charted as follows:

The Indian Period—B.C. to 1492

For purposes of this report, the era pertaining to the time prior to the arrival of white men on the North American continent in 1492 is referred to as the Indian period.

The first people to inhabit the New World or the Americas were called Indians by Christopher Columbus when he landed in what is now known as the West Indies. He surmised he had reached India, and so he called the people he met Indians.

The Vikings are believed to have explored the coast of North America about 1000 A.D. and if so, they failed to establish a lasting contact with the inhabitants.

The question of origin and migration of the American Indian, north of Mexico, has never been completely answered. There is lack of agreement on the subject by anthropologists and archeologists. About the only thing scholars agree on is that the American Indian has been in North America a long time, perhaps at least 20,000 years. By the time Columbus arrived, Indians were living in the New World from the Far North to the southern tip of South America.

Nearly every tribe has legends explaining the creation of their people. Indian legends told stories of the world before it had people, told stories of the origin of people and tribes, and told stories of tribal heroes.

Before the arrival of white men in 1492, the American Indians who lived on the North American continent evolved civilizations which were suitable for their needs.

Among American Indians of that time, men, women and children lived together in families and the family was the basic unit of their society.

Families of Indians joined together to form local groups called bands. The number of people or families in a band depended upon the availability of the necessities of life in the nearby area.

Generally, bands joined together to form tribes. Hundreds of tribes existed in 1492.

There are varied definitions of what a tribe is. One definition is:

"Among the North American Indians, a tribe is a body of persons who are bound together by ties, consanguinity and affinity and by certain esoteric ideas or concepts derived from their philosophy concerning the genesis and preservation of the environing cosmos, and who by means of these kinship ties are thus socially, politically and religiously organized through a variety of ritualistic, governmental, and other institutions, and who dwell together occupying a definite territorial area, and who speak a common language or dialect. From a great variety of circumstances—climatic, topographic, and alimental—the social, political, and religious institutions of the tribes of North American Indians differed in both kind and degree, and were not characterized by a like complexity of structure; but they did agree in the one fundamental principle that the organic unities of the social fabric were based on kinship and its interrelations and not on territorial districts or geographical areas."

Some Indian tribes in North America organized larger groups called federations. The Iroquois federation was made up of the five Iroquois tribes—Mohawk, Onondaga, Oneida, Seneca, and Cayuga.

American Indians of this period developed many institutions common to non-Indian societies or cultures and a significant one was education.

Education has always been a need of human society, and every society evolved a process of educating its youth for active adult participation in that society. The Indian society devised a means for socializing the youth and transmitting the culture.

The educational process was active and not passive. The boys and girls learned by doing. The process was not highly structured and was dependent upon parents, relatives, and tribal elders for implementation. The curriculum could be described as informal but relevant. The life style of Indians was tuned to the natural forces surrounding them and the overall goal of education was to preserve and maintain their way of life. Indian children were expected to grow up as their parents were, to perpetuate tribal customs, values, traditions, and ethics. Indians of that period were profoundly spiritual.

Because American Indians did not have a written language, much of what was learned was by word-of-mouth transmission. The basic thrust of Indian education was traditional in the sense that the past was revered.

The tribes had little formal structured government. Men became leaders through exemplary action rather than through local election. The headmen were moral and spiritual leaders as well as political leaders. Decisions were arrived at in consultation with the heads of various families or clans. Indian leaders remained leaders only so long as the wisdom of their actions held the respect and support of the people.

The system served the needs of the Indian people of that period. Planners of education for American Indians in the future should heed the advice of Sitting Bull who said, "If a man loses something and goes back and carefully looks for it, he will find it."*

However, with the enactment of P.L. 93-638, the Indian Self-Determination Act, hopefully, the foundations have been laid for a contemporary Indian period in which control of their destiny is returned to Indian tribes and communities.

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*Excerpted from an unpublished monograph prepared for American Indian Policy Review Commission; the Task Force on Indian Education by Earl J. Barlow, Blackfeet, of Browning, Montana, which appears in Appendix A, page 305.

C. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

The seeds from which federal educational policy for American Indians grew can be traced to the early colonial history. They are the precedents for the policies of today.

Federal policy concerning Indian education had two thrusts—isolation and assimilation. The children were to be taken away from their parents, communities, and tribes. They were to be isolated and confined to schools outside of their community. The education they received, whether in or out of school, was to be organized and directed towards de-Indianizing the children and remolding them in the image of the white American. Throughout the educational history for American Indians, there has never been enough teachers, facilities, textbooks, or supplies. The curriculum has not reflected Indian values or culture.

Indian languages have not been taught or permitted in the classrooms. In fact, for a number of years, the government withheld food from Indian parents to make them send their children to school. The children were spirited off to obtain an enrollment quota to satisfy the United States Congress and its appropriations.

Where our leaders and tribes were despoiled, restricted to reservations, stripped of their local resources, and made dependent on the United States Government, the large off-reservation boarding schools were created. These schools encompassed the physical needs of our children—food, clothing, and shelter, but deprived them of the love of their family and the beauty of their culture and heritage.

It is clear that education on federal terms was not an all-encompassing, lifetime of learning experience. But, rather, it was many institutional forms and processes developed to give Indians a minimum of skills with a maximum of cultural alienation.

As each of the political policies were developed concerning federal relations with Indians, they used education as the means for implementing them. As policies changed, so did the people, and the focus of education. Although the underlying philosophy of education for assimilation remained the same, the policies effecting it swung back and forth like a pendulum. Educational services were fragmented and scattered among different groups and types of institutions serving Indian children. Instability was a fact for old existing and newly proposed educational institutions. Indian people viewed the role of the federal government in education as a right and obligation. Yet, that same government sought to look the other way if states would assume responsibility for education. Where this did not happen, the federal government would exercise its discretionary authority and provide limited, inadequate education either in its own institutions or through subsidies to the states.

However, as citizens, American Indians were entitled to educational services from the states. Since 70% of the Indian children were in public schools, the reality is that states played a critical role in the education of Indian children. Although the U.S. Constitution reserved the power to the states in the area of education, the states have delegated this responsibility to local educational agencies. So long as there is a laissez-faire attitude from the federal government concerning the education of Indian children by the state, and there is no clear mandate to monitor or evaluate federal programs for the benefit of these children, states will continue to be ambivalent concerning their role and responsibility.

There is a confusing array of statistics concerning the number of Indian school age children, their drop-out rate, the number of children not in school, and the educational level of Indians in the country. One can choose whichever figures they wish. Since BIA keeps statistics on reservation Indian children of at least one quarter Indian blood and United States Office of Education keeps statistics on children enrolled in public schools, there are supposedly 337,000 school age children. (Children attending BIA schools are listed at 49,000; those attending public schools are listed at 278,000. Dropout rates range from 25% to 75% and 11,000 reservation children are not attending any school.)

The Bureau of Indian Affairs and the U.S. Office of Education have primary responsibility for educating American Indians. Both agencies have a different definition of who is an Indian for purposes of services. The Bureau (BIA) uses the "quarter blood requirement of federally recognized tribes," and the U.S. Office of Education (U.S.O.E.) uses the general definition found in the Indian Education Act as well as the BIA quarter blood requirement. Neither agency has developed any policies or guidelines concerning the quality of education programs for Indian education.

Although the quality of education for American Indians has received a great deal of attention in recent years, neither federal agency has developed any policy guidelines or standards for insuring such quality. While both agencies have an Indian education office, decision-making in both agencies seems to be fragmented and tucked away in an isolated level of hierarchy. Although national and parent advisory committees have been established, they are not utilized for setting national priorities or program direction. In fact, the services of these agencies are predicated on what is acceptable to Congress and the White House.

In the area of program administration, items like program eligibility and funding criteria have effectively limited the type and scope of educational programs. It has also limited the Indian groups receiving such funds. There is no plan for equitable funding directed to the diversity of Indian groups and their needs.

Through the use of its staff, the regulations, contracts, and grants, both agencies create the illusion of an educational policy for Indians. Yet, one does not find a clear-cut definition of such a policy. Although there is a defined legal basis as to whom the services are for, in the implementation of these programs, certain segments of the Indian population are excluded. Many of these decisions have been made administratively. The nature of the role and responsibility (discretionary or operational) of these agencies is not clear and thus can be viewed as being institutionalized discretion. Because of the political pecking order found in these agencies, the efforts concerning Indian education depend on where it fits in the agency's overall budget.

Although the U.S.O.E. has developed policy regulations for its programs, the lack of Indian professionals or non-Indian professionals with prior experience in Indian affairs within program areas affecting the education of Indians results in many of the needs and concerns of Indian people being overlooked or not understood.

The BIA is just beginning to acknowledge its responsibility in publishing its rules and regulations for public (Indian) comment. For years, they have operated by use of the BIA Manual, which was circulated among their employees for administrative policy but not made available to Indians. Because of recent lawsuits, in particular *Ruiz* v. *Morton*, this is beginning to change.

Both agencies are still most comfortable dealing with traditional education agencies instead of new innovative Indian educational efforts.

It is apparent from the State Policies and Finance Analysis that there is a lack of clear definition regarding federal supplementary programs and how they fit into the overall picture of state financing of Indian education. Many states have a negative reaction to the role and responsibilities and activities of American Indians through USOE and BIA. States perceive that these agencies do not respect state laws and, yet, they expect their assistance in administrating program efforts for American Indians. Even though USOE is differential in its relations with the states, they feel shunned by Title IV, the Indian Education Act, because no role is provided for the state education agency.

There are serious financial inadequacies among school districts within states serving Indian children. These problems are tracable to the lack of local capacity (LEA) to raise adequate basic support. Because the majority of federal programs are supplemental, they do not and cannot resolve this critical need. The question of how basic support will be raised is paramount.

Throughout our field activities, we heard complaints about the diversity among institutions educating American Indians and perceived their needs and problems all point to the lack of federal legislation providing a specific focus and flexibility of structure responding in terms that are relevant and which can affect change.

The majority of Indians spent time describing administrative problems of federal and state programs. They felt these programs were administered in such a way that people have no time to do planning and organizing. Although a wide range of unmet needs were described by many witnesses, administrative problems occupied the chief area of complaint.

A recurrent issue in the hearings held by the task force throughout the United States was the lack of adequately trained people within the community to insure broader participation by Indian people in all facets of programs and services. One of the more frequently cited examples was the need for parent training and technical assistance to Title IV parent committees so they could understand and perform their function.

This need was also perceived to have a financial root. Witnesses indicated that program restraints on the uses of funding, national funding priorities and the procedures for allocating funds undermine the impact of funds. Too often, by the time communities receive funding, it is too little and too late; what started out as an unmet need has become a crisis.

A major obstacle to many Indian tribes and communities in their efforts to attain federal funding is the diversity in definition of "Indian" for funding eligibility. As a result, many Indians who reside off reservations in both urban and rural communities are excluded from participation in programs. Even when such groups are eligible for funding, they feel their problems with the census enumeration disadvantages them in a competitive funding process. For the bias of many federal programs is to fund programs in geographic areas where there is a large population concentration. Many of the Indians residing in non-reservation areas are not reflected in the 1970 census. Thus, they are bypassed for funding because they do not constitute a sufficient concentration to warrant services.

This particular example is reflective of the lack of agency responsiveness in planning and implementing program services for Indian people. Funding policies are based upon needs that programs perceive to be important and at all levels they deem to be adequate. Generally, such funds are channelled through mechanisms that federal bureaucracies are familiar with, that speak the same jargon. Consequently, funding has the effect of drawing services away from the community and of sustaining institutions that are not attuned to community needs to serve Indian people.

The existing structure has the effect of promoting Indian needs as a form of service industry rather than reinforcing or promulgating Indian control. As a result, there are many professionals at all levels of the service structure who profess to "speak" for Indian people who have little understanding of the needs and priorities of local Indian communities. By and large, most of the programs charged with serving Indians have minimal representation on their staffs of Indian professionals. Consequently, they have little or no access to the experience, training, and knowledge these Indian professionals provide both of the diversity of Indian educational needs and of how federal program services can best be structured to meet such needs.

Interim Recommendations

The present service delivery system has the effect of ignoring many segments of the Indian population who are desperately in need of services.

A policy must be promulgated at the legislative level to insure adequacy of services and equal accessibility of all Indian people to federal educational services.

The existing network of program services must be revamped to target program monies into the Indian community in a manner that enhances local resources. This will necessitate the formulation of an administrative policy that recognizes the viability of community based institutions as funding mechanisms and conduits. It will also require taking steps to insure that weighting criteria for programs that are presently funded through institutions consider whether or not an institution that purports to serve Indians has community representation and involvement in its management and administration of Indian programs.

To insure that local control is promoted, programs should encourage or require grantees to set aside a certain percentage of grant funds for in-service training and staff development programs. Such efforts should be reinforced with a clearly defined national objective that insures adequate scholarship assistance to expand the presently limited corps of Indian professionals in all areas of education and professional services.

Where the deficiencies of both USOE and BIA programs have been identified by prior investigative studies, interim measures must be initiated to effect change. Such measures will often require promulgation of new regulations and reorganization of program internal management and administrative practices. For example:

There should be no further expansion of off-reservation boarding schools. In addition, these schools should be restructured in function to provide a resource and activity center for Indian people of all ages.

The present BIA day schools should be turned over to the Indian communities for control. The turnover plan should insure adequate technical assistance and funding to insure an orderly transition and to maintain the level of services during the transition.

A scholarship program should be established and fully funded, and funding ceilings should be designed to accurately reflect the cost of attending a private college or pursuing an advanced degree in a professional program such as law, engineering, or medicine.

Present administrative and management deficiencies of the Title IV program must be remedied so that funds are allocated in a more expeditious and equitable manner and are monitored more closely. This will necessitate setting the program funding at a level that allows adequate staff travel for the purpose of project monitoring and technical assistance. Present agency staffing limitations must be revised to insure a more equitable distribution of projects to staff members than presently exists.

In addition, funding for all parts of the Title IV program must be set at a level that acknowledges the increased number of Indian pupils served each year and the increased cost of serving them. The legislation should be amended to insure the funds impact the Indian community. These amendments should include the establishment of a bypass provision under the Part A, LEA program. This would enable the program office to fund Indian tribes and organizations in those instances where the LEA refuses to work with the Parent Committee in planning and implementing the program.

The present law should also be amended to extend authorizations under Parts B and C of the Act. Since this money goes to tribes and organizations, it has the potential to increase level of service and provide a mechanism for local communities to increase their skill in planning and operating programs. The present limits on appropriations for these parts of the Act constrict the number of tribes and communities that are afforded an opportunity to benefit from these funds.

The underlying intent of the Johnson-O'Malley program must be expanded to insure an adequate, comprehensive support package. Otherwise, the needs of those Indian children who lack adequate clothing, shelter, medical services, and dental services will not be met. Until such time as the economy of the Indian community allows parents to meet these needs, a model similar to that of the Follow Through Program is needed to insure that the total learning needs of the Indian child are met.

A key in designing meaningful education for Indian people is the need for adequate and relevant non-compensatory educational programs. For compensatory education ignores the culturally- and linguistically-based skills and knowledges the Indian child carries with him to school. So long as primary emphasis is placed upon compensatory, supplemental services, the only real choice open to Indian people is between services that are not relevant or no services at all. Such are the realities of the day-to-day existence of Indians.

Finally, in order to correct those problems that define the parameters of service delivery for Indian people, the present system of data collection must be overhauled completely. Steps must be taken to insure standardization of data-collection systems to enable comparisons of Indian education programs. For example, the existing policies of OMB inhibiting data collection on Indians served by Federal programs must be revised. Too often, monies are attributed to expenditures for the benefit of Indian people with little or no substantiation of the services actually reaching Indians.

Recommendations made in previous sections can only alleviate the problems for Indian education; they cannot eliminate them. Thus, if meaningful change is to be effected, it will require a long-term legislative and administrative program that is predicated on the following recommendations.

Long-Term Recommendations

At present, the service delivery system involves too many pieces of legislation to affect change by legislative amendment. Therefore, **there must be a comprehensive education bill designed to insure adequate quantity and quality of education services to Indian peoples.** A comprehensive legislative bill will provide a mechanism that allows the programs it establishes to respond to those needs of Indian people that are distinct from those of other minority groups. For example, it must allow a concept of bilingual/bicultural education to take root recognizing the importance of restoring Indian languages as well as of making the transition to English.

Policy guidelines must be laid out clearly which reaffirm the commitment of the U.S. Congress to meet the educational needs of Indian people. These guidelines must include a mandate to federal agencies defining the scope of services they are to provide for Indians and the manner in which they are to provide them. This mandate should also provide for the creation of funding incentives that will insure that the policy will be implemented consistently from the federal to the state and local level. (This would include providing incentives and planning monies to states for the purpose of designing curriculum units based on Native American language, history, and culture and incorporating in the regular school curriculum.)

The last major policy review of Indian affairs was in 1928—some forty-eight years ago. Since that time, very little has changed in Indian education. The types of schools are the same, and the federal agencies administering the services and programs are the same. Limited respect for Indian culture and limited development of Indian curriculum has been initiated. Yet, surveys, studies, and investigations have occurred with growing momentum each year. It is time for the U.S. Congress to realize that it has been grossly negligent in the area of policy making and financing for Indian education. Congress has given Indians piecemeal efforts and totally inadequate financing in this area. They have abdicated Congressional intent to administrative discretion. At the beginning of the new Bicentennial year, **Congress should declare a policy of support and financing for Indian community control of all aspects of Indian education. The obligation and right to an education which all Indians feel they have from the Congress and the federal government should be fulfilled.**

D. ADDITIONAL RECOMMENDATIONS GENERATED BY TESTIMONY, CONFERENCES AND FIELD EXPERIENCE

(Submitted by Lorraine F. Misiaszek, Affiliated Tribes of N.W. Indians, Advocates for Indian Education, September 1976)

Educational Philosophy—The Problem

During the course of Task Force Five hearings, many presentors testified to an understanding of what American Indian educational philosophy was in terms of belief and practice by Indian people. This belief, as stated, is that formal and informal education is a lifelong learning and growing experience from the cradleboard to the grave with its foundation inherent in traditional Indian culture.

This philosophical belief has significantly eroded through the years due to the imposition of the American educational process which, in turn, operated without a clear and consistent educational philosophy. Federal policies in Indian education has been responsible for the development and implementation of particular educational activities designed and directed to specific age groups without the unifying element that an enlightened philosophy and related educational goals would provide.

Concern was expressed in hearing testimony of the need to establish clearly-defined goals of education at every level, and to provide the necessary support services.

Recommendation

It is recommended that one definition be established for American Indian educational philosophy that would apply to all educational efforts. Furthermore, all future educational plans for American Indians must be made in concert and consultation with Indian tribes if federal programs are to impact Indian education.

Eligibility—The Problem

The problem of eligibility for Indian educational services as repeatedly expressed in hearing testimony by Indian people. Governmental agency criteria to determine eligibility varied from very stringent to extremely loose requirements. The Bureau of Indian Affairs required that an Indian must be enrolled with a federally recognized tribe, be of one-quarter blood quantum of a tribe, and reside on or near a reservation. Other federal agencies such as the U.S. Office of Education only require that persons can declare themselves to be Indian if an ancestor was Indian. No certification of proof of Indian blood quantum, or other proof relating to federal recognition of a tribe is required.

The definition of who is an "Indian" for the purposes of Indian educational services creates confusion amongst Indian people and its application to program funds supports projects and programs in the U.S. Office of Education, for eligible "Indians" having less need while those experiencing the greatest educational need are penalized because they lack the sophistication to lobby for their program funds.

Many requests from Indian people to the Task Force Five were to the effect that one definition of "Indian" for eligibility criteria be established and followed by all Indian educational service agencies in state and federal governments.

Recommendation

The criteria for determining who is eligible to receive educational services as American Indians should rest upon the identification by the tribal group as to who is a member of their tribe or band. The tribe or group must offer proof of a history of tribal existence.

No federal agency should impose their own definition upon Indian people as to who is an Indian, nor should residence or federal recognition be a factor in providing educational services.

Organization—The Problem

One issue emerged sharply from all the testimony presented at hearings and conferences strongly indicated a need to develop a mechanism through which educational services could be provided to American Indians most directly. Under the present system, the federal agencies administering educational programs and services each have their own guidelines and eligibility criteria. No two programs have identical requirements, and very little coordination of efforts exist. The Bureau of Indian Affairs and the U.S. Office of Education, Department of Health, Education and Welfare, are the two major agencies concerned.

Of the problems confronting Indian people, a few stated in the needs documentation are the following:

A. Each educational project requires a separate parent committee.

B. Basic program requirements differ for each agency, and changes occur yearly which pose problems for an Indian community or school and do not have adequate staff to keep up to date with the many programs.

C. Funding is very uncertain on a year to year basis and often arrives very late, affecting project effectiveness, particularly in employing staff and obtaining materials.

Recommendation

A governmental unit needs to be established to consolidate educational programs and services to American Indians. Authorizing legislation must be introduced which would place all entitlement, supplemental and basic funding programs under one Indian educational agency to provide services on a national basis. Included in this consolidation effort would be the Bureau of Indian Affairs, U.S. Office of Indian Education and HEW Adult Education, Vocational and Higher Education programs.

Program Regulations—The Problem

Locally identified educational needs have been given very little recognition according to hearing testimony. Local education groups are forced to develop their programs around funding criteria in various national program guidelines to meet the program priorities rather than the needs of the local community or school. Also, program priorities change from year to year frequently creating additional difficulties for those making application or competing through proposals for program funds.

Recommendation

Insofar as it is possible, common and consistent basic regulations and guidelines be established for educational programs and related services for American Indians.

Coordination—The Problem

National Indian Educational efforts are carried out in a piecemeal manner thereby working against impacting education positively. The Elementary and Secondary Education Act (ESEA), the Indian Education Act (Title IV), Johnson-O'Malley, BIA Higher Education, and others all appear to operate separately at the national level, while the tribes must cope with each agency on an individual basis.

Lacking technical assistance from any established source, tribal councils must look into their own resources to accomplish coordination of programs, funds and staff.

Recommendation

Create a mechanism within the primary federal agency responsible for Indian education to develop a procedure which would serve to coordinate all programs within the various departments that administer what can be broadly defined as educational efforts for tribes. A well developed coordination plan would assist tribal communities, implement comprehensive program by pulling together CETA, ONAP, HUD, BIA and many other programs relating to education for the enhancement of the total community or tribe.

Communication—The Problem

Complaints expressed by Indian people testifying at hearings emphasized the problem of a communication gap between the national education office and the local community school. Due to the lack of knowledge and information, deadline dates for program submission are not met, changes in regulations, etc., are made but the information has not been passed on to the local schools, and frequently, the local Indian people are not notified of congressional hearings relating to such crucial subjects as appropriations, legislative changes and new legislation affecting education which they wish to comment on before implementation. Indian education has suffered most often in the remote and geographically isolated Indian communities because they have not had the advantage of vitally important information early enough to act, and frequently have received no information at all.

Recommendation

Any agency free from federal or institutional constraints should be authorized to provide educational and related information to all tribes and tribal communities/schools on a continuing basis. Each agency should authorize funds to support this effort in order that such a service should not falter for lack of funds. Materials should be summarized with references to the full texts of Federal Register subjects, legislation, etc.

For an adequate exchange of information to and from tribal groups toll-free telephone service or a similar process should be established to facilitate communication from the local to the national levels.

Educational Services Center—The Problem

Evidence to the effect that local Indian education committees, tribal councils, and schools (LEA's) experience serious needs for technical assistance in all school concerns including school board information, responsibilities and duties is well documented by Task Force testimony, studies, surveys and special reports.

It is necessary to establish, or expand the capabilities of existing centers in geographic areas where large concentrations of Indian reservations exist. The centers would function to serve directly such needs as technical assistance, curriculum development, training, development and research; provide library and records services and maintain a data center for statistics.

At the present time, a few existing all-Indian models might provide a pattern from which to develop this critical service to Indian people in education.

Educational Leadership—The Problem

The National Advisory Commission on Indian Education (NACIE) created under the Indian Education Act (Title IV) for all intents and purposes does not exist for local Indian people active in education for their communities. The concept of a national Indian commission is valid, and therefore, the concept should be developed into a more practical and realistic vehicle to impact Indian education.

The Task Force did not find one statement about NACIE that was positive or supportive of its present structure. Yet, the volumes of testimony and Task Force materials all testify to a need for leadership and expertise at all levels in the various categories of education in which concern was expressed.

Recommendations

Authorizing legislation should be introduced that would create national commissions to impact teacher training, certification, curriculum, libraries, training programs (para-professional and community people) and minimum standards for Indian education. The commissioners should be professional practitioners in the area which they would serve as advisors and be endorsed by Tribal Councils. Indian education organizations and parent committees before appointment.

With these Indian advisory commissions, it would no longer be practical to continue NACIE.

States' Role in Indian Education—The Problem

Because of the large volume of testimony by Indians negating the various states' effectiveness in relating to Indian educational needs, clarification must be made to emphasize the states role and obligation to Indian citizens in delivering quality educational services.

Recommendation

That the State's role be defined specifically as a partner to the local and federal Indian educational efforts. If a state or local school district does not wish to serve Indians through special "Indians" funded programs from the federal agencies and will not expend their own funds for these programs, such resistance should not deny the Indian people the right to apply, receive, and implement federally funded programs to meet their educational needs without requiring state or local approval and consent.

Educational Funding Stability—The Program

The nature of past efforts in Indian education has been supplemental, compensatory and short term experimental programs. Consequently, hearing testimony reflected a very strong need to provide a sound, stable and long term source of financial support for Indian educational efforts.

Recommendations

A base must be established to offer stable funding for all Indian education efforts by creating an endowment fund for Indian education nationally. The finances should be derived by implementing a procedure to identify tax revenue collected by cities, counties and states that are generated from Indian resources, economic development activities, tribal per capita payments, federal payrolls, etc., that normally flow into the common tax "pot." This tax income has never been considered as having emanated from Indian reservations and communities, but in fact these communities and reservations contribute a major portion of tax income to the local and state governments.

When an estimate has been made, and these dollars identified and returned to the federal level to establish an endowment fund for all Indian education needs, it may be supplemented from time to time by federal appropriations.

It is further recommended that a delivery system be developed to facilitate the flow of services and program funds in the most direct and immediate manner to the local program levels with a minimum of delay.

The work accomplished by Task Force Five and the Commission would be well rewarded if Congress would authorize the tax study at the earliest time possible.

SECTION II

HISTORICAL POLICIES AND FINANCES AFFECTING INDIAN EDUCATION (PRE-COLONIAL TO 1970)

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A. INTRODUCTION

While much attention has focused on the problems of American Indian education in the past few years, there has not been a comprehensive study of the history and development of federal policy in that field. Several major studies have been conducted which have largely dealt with contemporary issues and problems, but only briefly touch on the historical antecedents of those situations. The present study will analyze the policies of the United States Government towards educating Indians, including the legislative authorizations and appropriations, executive proclamations and statements, and judicial decisions and opinions, all of which have helped to shape the development of Indian education.

Problems in Indian education stem from many and different sources, not the least of which is the indigenous character of Indian people and their peculiar relationship to the United States Government and the dominant American society. From this basic fact derives many of the symptomatic ills so apparent today in Indian education. To avoid it would be to ignore, indeed to negate, a major premise concerning Indian people—that is, that they have aboriginal rights to this land; that they have cultures and customs which date back thousands of years, and that they have been forced to accommodate to a more powerful group, who, in the process, have attempted to strip them of their land, their culture, and their identity.

While these basic premises give rise to reflections on Indian education which relate to Indian student achievement and self-concept, the relationship of the Indian community to the educational institutions available for their children, the continuities and discontinuities between the Indian child's tribal society and his school environment, and the psychological, sociological, and anthropological implications of all of the above factors, these are not the focus of this study. This is not an attempt to evaluate Indian schools, students, or teachers. The inadequacies, tragedies, and failures of those have been well documented and have received much attention in recent years.[1] Nor is this merely a descriptive statement of the types of formal educational systems which have been imposed upon Indian people since their first contact with

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[1] For example, see U.S. Congress, Senate, Committee on Labor and Public Welfare, Special Subcommittee on Indian Education. "Indian Education: A National Tragedy, A National Challenge," S. Rept No. 91-501, 91st Cong., 1st sess. 1969. See also, Estelle Fuchs and Robert J. Havinghurst, "To Live on This Earth" (Garden City, New York; Anchor Press/Doubleday, 1973). And, Commission on the Rights, Liberties and Responsibilities of the American Indian, "The Indian: America's Unfinished Business," a report compiled by Wm. A. Brophy and Sophie D. Aberle and others (Norman, University of Oklahoma Press, 1966).

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white people. It is commonly known that mission schools, private contract schools, federal boarding and day schools, public schools, and recently Indian controlled schools, have all had their hand at educating Indian children. This paper will describe the historical development of federal Indian education policy, and the manner in which it has been implemented, in order to understand what precedents were established and what antecedents led to present circumstances.

Education for American Indians is reflective of the nature of the relationship between the federal government and the original inhabitants of this land. It must, therefore, be discussed within the context of the political, economic, and social aspects of that relationship. The entire fabric of Indian life has been affected by federal policies which have attempted to either assimilate or isolate Indian people. This attitude has discouraged, at least, and negated, at worst, Indian community development and cultural survival. The educational practices supported by the federal government to achieve this end began with the early missionary efforts (to Christianize the Natives); led to the establishment of manual-labor boarding schools (to remove them from the influences of their communities and tribal ways of life); through the development of federal schools on and off the reservations (to inculcate them with the habits of Western life); and eventually to integration into the public school system (to assure their exposure to and acceptance of white middle-class society and values).

For the purposes of this work, "policy" will be defined as an overarching rule of conduct decided upon by a government to guide its activities with respect to a certain issue. Federal policy towards American Indians is seen in missionary-supported civilization efforts, removal, treaty-making, settlement on reservations, granting of United States citizenship, and termination. Each of these policies represents a period of time when the United States Government defined its formal dealings with Indian people to hasten the achievement of their goals for them.

While policy can be considered a formal guiding principle, it is through the practices and procedures designed with relation to the policy, that it is actually implemented. Here, the term "practices" will be used to denote the actual performance or method for carrying out a policy. In conjunction with the practices, there are numerous bureaucratic procedures, rules and regulations which exert an additional influence on the implementation of a policy or law. Taken together, these three levels determine the day-to-day activity of the government.[2]

This report makes several basic assumptions, which should be understood at the outset. First, the policy of the federal government with respect to the education of American Indians has had two major goals, which, although contradictory, have often been in operation simultaneously. These goals are assimilation and isolation. Second, there has been and is a distinction between the Congressional and the Administrative policies, as reflected in the intent of legislation and the administrative construction and implementation of the law. Third, there are articulated and unarticulated policies, in the sense that the official documents represent what has been determined to be the course of action, whereas the staff interpretation of that decision is subject to the perceptions and philosophies of those who actually perform the administrative activities and shape the services. Fourth, it is a basic right of all Americans to have control over the education of their children. Fifth, whoever controls the financial resources and disbursement of funds often determines how those funds will be used, in terms of allocation, accountability, and priorities for use.

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[2] A similar framework for analyzing federal policy is used by S. Lyman Tyler, in his book "A History of Indian Policy," (Washington, D.C., U.S. Government Printing Office, 1973), p. 2.

This report defines "education" to mean a formal system or institution established to transmit knowledge, skills and/or values. While such a definition is necessary, it must be recognized that it is merely one way of understanding education for the American Indian. The report does not attempt to define education in terms of survival—cultural or individual. The purposes of education are many and always changing, but they are contingent on the surrounding culture in which an individual must learn to live. In the case of the American Indian, the federal government has largely prepared him to live in a competitive, technology-oriented society, often very different from his own. Such a system has not stressed the perpetuation of his cultural identity nor his traditional customs and values.

The special relationship of the federal government with American Indians has developed over the years to include those tribes and groups for whom the government has maintained a trust responsibility through the Bureau of Indian Affairs. Only recently has the government acknowledged that there are Indian people who have no formal tribal organization or who lack federal recognition as such, but who, by virtue of their cultural heritage and Indian identity, are American Indians. To some extent, the presence or lack of a formal federal relationship has been determined by the nature of the initial contact between the United States Government and the tribes, as well as their georgraphical location within the early United States. The evolution of the population presently receiving federal services from the Bureau of Indian Affairs thus has developed historically and so the focus of this study of federal policy will be directed to this group.

Finally, this analysis will illustrate the methods and types of education institutions used by the federal government for Indian education. Several of these had their roots in colonial times, and all major ones are still in existence today. These early educational practices were the seeds from which federal educational policy for American Indians grew. It appears that education has been used, to a great extent, as a means for rationalizing, organizing, and implementing the policies of the federal government in its relationship with Indian people.

B. FEDERAL INDIAN POLICY

Pre-Colonial and Colonial Period

During the Age of Discovery and Exploration, the four major European powers—England, France, Spain, and the Netherlands—embarked upon the continent of North America. In their quest for colonies and the material wealth of the New World, they had to deal directly with the native inhabitants they encountered. They undertook whatever activities would further their economic advantages and political prowess relative to the other nations competing for the resources of the New World. Several goals motivated early European exploration, such as fervor to spread Christianity, acquisition of colonies, and desire for national wealth and power. These resulted to a significant degree in the exploitation of the Indians. Once it was established that the Indians had certain rights of occupancy and that they were unique cultural and political groups, the European powers developed programs which, while different in method, were guided by similar goals of civilizing and Christianizing the Natives to insure economic gain and political supremacy. Distinct patterns of interaction and practices evolved between the tribes and their European conquerors which reflected the culture and political nature of the European immigrants as well as the distinct character of tribes encountered in different regions.[3] These early practices profoundly influenced the way the United States came to deal with its Indian neighbors. Over four hundred years of trial and error formed the basis of the relationship between the United States Government and the tribes within and contiguous to its borders.

Formal education for the Indian of North America has its roots in the missionary efforts of the European powers. During the period of exploration and colonization, zeal to spread Christianity was at a high. Many religious orders received support from their governments to assist them in their conversion work, not only because it was believed to be the "will of God," but perhaps more significantly, because it facilitated their economic and political goals. The objective from the outset seems to have been to coerce the Indian to accommodate the presence of the white man. Thus, the educational practices of the colonial powers were more often rigidly pragmatic and less frequently adaptable to Indian ways.

The Spanish and French programs reflect a strong Catholic influence since their missionary efforts were largely performed by the Franciscans and the Jesuits. The Spanish influence can be seen mostly in the Southwest, and it was here that the Franciscans labored most extensively. They came to the continent to convert the Natives and so established communities centered around missions which taught the Indians religion and the agricultural way of life. There was less emphasis on learning strictly academic subjects than on acquiring skills conducive to becoming a farmer, and they attempted to integrate Indian language and customs, as these facilitated the teaching-learning process. The Spanish had a lasting influence on the Indians of the Southwest particularly because they provided the tools and domesticated animals, as well as the instruction needed to establish self-sustaining communities.

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[3] S. Lyman Tyler, "A History of Indian Policy" (Washington, D.C., U.S. Government Printing Office, 1973), p. 2. Hereinafter cited as Tyler, "Indian Policy."

The French program was carried out mainly in the Great Lakes region, the Mississippi valley, and along the St. Lawrence River. Since the French interest in the continent was basically in the fur trade, their approach to the Indians was quite different from the Spanish. Instead of looking to change Indians(they wanted to secure their cooperation in order to enlist them as allies against the English and to assist them in trapping and hunting. The French were not adverse to assimilating into and with the Indian tribes and so were much more successful in gaining the friendship and cooperation of the Indians. The Jesuits conducted much of the missionary work and were most influential in keeping peace between the Indians and the French. They emphasized religious training more than formal academic instruction, even though one of the objectives of Louis XIV had been to "educate the children of the Indians in the French manner."[4] One very important reason for this was that continual fighting between the British and the French in the New World often interrupted any continuous educational endeavor. Nevertheless, the French were very successful in dealing with the Indians—perhaps because their economic goals (i.e., hunting and trading) were more affirmative of the Indian way, and they did not try so much to change the Indian as other colonial powers did. Thus, they were able to solidify their Christianizing efforts and gain many Indian allies against the British.

The Dutch, until their conquest by the English, basically maintained strict economic dealings with the Natives, ignoring conversion efforts and avoiding integration with the Indians. Trade and land acquisition were the major advantages they sought, and they pursued a policy of negotiating with the Indians in a most conciliatory manner in order to avoid conflicts.[5]

The English program has perhaps been the most influential on the development of federal policy since it was the English colonies which eventually became the original thirteen states. Many of the religious groups which started missionary work among the Indians within and near the English settlements were the same groups which later utilized the federal support of the Civilization Fund to continue and expand their efforts: The Presbyterians, Moravians, Lutherans, Quakers, Puritans and Anglicans. Since religious groups were generally supported by the political structure within their colony and since education held high priority to many of the English colonists, education was often a cooperative endeavor of both church and state. Instruction was often given in the industrial arts in order to teach the Indian youths the habits of civilized life. But, also, in consonance with the prevailing course of studies of the upper classes in England, more academic and philosophical subjects were taught, especially at the private schools and institutions of higher learning. Education took place at any location where concerned individuals or groups could persuade Indian youths to attend, including colonial homes and abroad, in boarding and day schools, in institutions of higher learning, and in a few Indian communities organized in Massachusetts, New Jersey and Pennsylvania.[6]

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[4] U.S. Congress, Senate, Committee on Labor and Public Welfare, Special Subcommittee on Indian Education, the "Education of the American Indians, a Survey of the Literature," compiled by Brewton Berry, Committee Print, 91st Cong., 1st Sess., 1969, p. 7. Hereinafter cited as Berry, "Survey of the Literature."

[5] Tyler, "Indian Policy," supra, note 1, p. 27.

Several humanitarian individuals also independently took up the call to civilize and convert the Natives, and these interested persons, both religiously-affiliated and not, contributed their time and energy to teach the Indians. Many of these early efforts were assisted by the British Crown as well as by English lords and ladies who were independently wealthy, it being fashionable at the time to contribute to the cause of Christianizing the savages.

The earliest formal attempt by any of the British colonies to promote higher education for the Indians was started in the Virginia Colony by a directive of King James I to establish "some churches and schools for ye education of ye children of these Barbarians in Virginia."[7] The Virginia Company attempted to further this objective by establishing a fund to support Indian youths to be boarded in the homes of colonists and taught the rudiments of civilized life. The Company had also set aside a piece of land at Henrico on which to erect an Indian College, which was to be supported by contributions from philanthropic individuals and groups in England. Another tract of land was selected for an Indian school near Charles City, to be supported by the East India Company. These attempts, however, never prospered because of the Indian uprising in 1622 and the revocation of the Virginia charter in 1624.[8] From that time, until the founding of the College of William and Mary in 1691,[9] there were no formal efforts to educate the Indian in Virginia, but several individuals were sent to England to be educated, with the hope that they would return to convert and civilize their brethren.

In New England, the Puritans made significant efforts at educating the Indians. The Reverends Thomas Mayhew and John Eliot worked dauntlessly to convert the New England Natives. Whenever they could, they tried to convince the Indians to take up their cause and become preachers and teachers. In 1644, several sachems who visited Governor John Winthrop agreed to accept instruction in Christianity. The following year, the Court of the Colony asked the Church elders to formulate a plan for civilizing and converting the Indians. A year later, the court provided for the annual election of two clergymen to preach in Indian towns. The plan was never carried out, however, because of its high cost.[10]

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[6] Evelyn C. Adams, "American Indian Education: Government Schools and Economic Progress" (New York: King's Crown Press, 1946), p. 15.

[7] *Ibid.*, p. 33. And Berry, "Survey of the Literature," *supra* note 2, p. 8.

[8] Samuel Eliot Morison, "Founding of Harvard College" (Cambridge, Mass.: Harvard University Press, 1935), pp. 412–414. Hereinafter cited as Morison, "Founding of Harvard."

[9] A bequest was made by the late Honorable Robert Boyd of Virginia to propagate the Christian faith among the western Indians. The money was assigned to William and Mary College to provide schooling for Indian boys in the area of reading, writing, arithmetic and catechism and to supply them with the fittings and furnishings necessary during the period they were being educated. However, few Indian children took advantage of the opportunity.

John Eliot was the most successful and dedicated of the Puritan missionaries, primarily because he was able to gain followers by learning the Algonquin dialect. With his interpreter Cockenoe, a Pequot Indian, his speech improved until he was able to preach in Algonquin throughout the various Indian settlements. It was largely to assist his efforts that the Society for the Propagation of the Gospel in New England was organized in 1647.[11]

Reverend Eliot's persuasions were extremely successful. Many of his native followers agreed to cut their hair and, after four visits to the town of Nonantum, the entire village agreed to submit their children to a Puritan education. In time, the Indian converts requested their own English-style schools, government, clothes, and tools.

By 1651, the first "Indian Praying Town" was established at Natick by John Eliot. Since all the Indians in these so-called "praying towns" were of similar persuasion, the attempts to educate and Christianize them were relatively successful. The general Court of the Colony recognized the wisdom in the formation of the "towns" and authorized the purchase of land for that purpose. This was the first use of the "reserved" land system. Eventually, fourteen such towns were established; after many diligent fund-raising campaigns in London, enough monies were raised to begin plans for the Indian school at Harvard Yard, and the creation of an Indian library.

In 1664, John Eliot published a complete version of the Bible in Algonquin. Work progressed among the fourteen praying villages, and preparatory and grammar schools were also established. The progress was arrested suddenly with King Philip's War in 1691, a war which led to the demise of most of the Indians in the New England area.

The founding of Harvard College in 1636 was the first attempt by the New England colonies to provide for the higher education of Indian youths. Henry Dunster, the first president of the College, was a leader in work among the New England Indians, and he succeeded in establishing an Indian College at Harvard. He secured funds from the Society for the Propagation of the Gospel in New England which enabled him to erect a building to house the Indian students. Despite the grand designs of Dunster and others who wished to see Harvard become an "Indian Oxford," the overall effect was that the Indian students gradually lost interest or died, and the concerns of the administrators turned to the education of English youth.[12]

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[10] When it became evident that the cost of converting the natives would be high, several fund-raising campaigns began. In 1630, a pamphlet written by John White entitled Planter's Plea, called for contributions for work among the Indians. This effort produced a donation of £12,000 in common stock. A decade later, three men were sent to England to raise money for educating and converting the Indians. They raised $875. The pamphlet, New England's First Fruits, raised £32.10 for an Indian scholarship fund. There is evidence that a considerable amount of money raised by the missionaries went directly for the education of Indian children. In 1662, it is recorded that of a total of £ 728 :8 :6, £ 300 went to the support of eight Indian schoolmasters in Martha's Vineyard.

[11] Morison, "Founding of Harvard," *supra* note 6, p. 321.

[12] Marie H. Smith, "Higher Education for Indians in the American Colonies," M. A. Thesis, New York University (New York; New York University, 1950), pp. 49–50

Another type of contribution to Indian education in the colonies was that of Dr. Eleazer Wheelock, who operated Moors Charity School in Lebanon, Connecticut. Dr. Wheelock's idea was to remove the Indian youth from all influence of his tribe and his Indian environment to maximize the effect of his exposure to "civilized life." His students boarded at the school, at his home, or at the homes of the surrounding white families. In this manner, Dr. Wheelock attempted to lead the Indian youth to a different way of life, with the hope that he would return to his community and influence its conversion and civilization. Because of financial difficulties, differences with his Indian scholars over the best way to Christianize the Indians, and interdenominational quarrels, Wheelock was forced to close his charity school in Connecticut in 1769. In that same year, a charter was granted for Dartmouth College in Hanover, New Hampshire, and Wheelock became its first president. In this capacity, he continued his efforts on behalf of Indian education, and the College enrolled several Indian students in its early years. After the death of Dr. Wheelock, interest in Indian education at the college waned.[13]

Eleazer Wheelock's endeavors did not go unnoticed by the Government of the United Colonies. In July, 1775, and again in September, 1776, the Continental Congress appropriated $500.00 for the support of the Indian students at Dartmouth, as they believed it to be a means of conciliating the friendship of the Canadian Indians, or, at least, of preventing hostilities from them in some measure.[14]

While scattered missionary and humanitarian laborers sought to teach the Indians the rudiments of reading and writing in the English language and elementary arithmetic, more lasting and successful attempts were made at the higher education level, as is evident by the development of Dartmouth, Harvard, and William and Mary.

Although many interesting concepts developed out of the Puritan era, relatively few natives were converted. The important thing to note is that out of a concerted effort by both clergy and government to raise funds for Indian education, over fifteen schools were established, many directed by Indian teachers.

In these early educational activities, it is clear that several practices evolved which influenced the policies of the government of the United States. Individual missionaries, as both preachers and teachers, were subsidized by private and governmental monies, and carried both Christianity and civilization to Indian communities. Reading, writing, arithmetic and catechism were at the heart of their efforts. As Indian leaders and people were converted, they were asked to give their children over to boarding schools so that habits of civilization and Christianity could be instilled in them. These seeds planted in the colonies became a direct thrust of the new nation's educational policies towards the natives.

Treaty Making Period

The policies developed and pursued by the European nations in their Indian affairs established precedents for future policies which the United States Government would pursue in its Indian relations included missionary-supported civilization efforts, treaty-making, regulation of trade and intercourse with Indians, and the precedence of national over local jurisdiction for Indian affairs.

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[13] James Dow McCallum (ed), "The Letters of Eleazar Wheelock's Indians" (Hanover, New Hampshire: Dartmouth College Publications, 1932).

[14] U.S., "Journals of the Continental Congress, 1774–1789," September 19, 1776, Vol. V, 787.

Under the Articles of Confederation, the United States adopted many of the official practices of the English and French governments and, of course, inherited many of the unofficial practices. The inherent weaknesses of those Articles were pointed up particularly by the relationships to Indians within the boundaries of the states. It was assumed by the states that they had total sovereignty and jurisdiction over all within their limits. Yet, at the same time, the central government had been given the authority to regulate affairs with "Indians not members of any of the States." With the reorganization of the government under the United States Constitution, some of the powers of the states were relinquished with regard to Indian affairs, and the federal government was given the distinct and sole authority to manage Indian affairs. Article I, Section 8, known as the "commerce clause," declares:

> The Congress shall have power . . . to regulate commerce with foreign nations and among the several states and with the Indian tribes.

Thus, the Congress was given authority to regulate trade with the Indian nations and the President, as the Chief Executive, was empowered to negotiate treaties with the tribes, subject to Congressional approval. The numerous treaties signed with Indian tribes, the commerce clause of the Constitution, and statutes concerning Indian education have become the framework for the role of the federal government in educating the Indians.

The first major policy guiding the federal government's political dealings with the Indians was treaty-making. This policy recognized the special legal status and distinct character of the Indian nations. The earliest treaties clarified the relationship between the Indian nations and the United States Government, outlined their mutual responsibilities toward one another, guaranteed the tribes certain rights such as sovereignty and protection from encroaching white settlers, and negotiated trading privileges and land cessions. Frequently, education or instruction in mechanics or husbandry was offered to induce the tribes to accept and learn white ways. By introducing the "arts of civilized life," the United States Government attempted to ameliorate the friction between cultures and to promote peace and harmony. This practice of giving tools and machinery to the conciliatory tribes was as much an inducement for them to accept the terms of the treaty and to change their habits as it was an attempt to promote the general welfare of the tribes. The treaties were "evidence of then existing policy of the Government in distributing presents to the Indians, with a view of their civilization." [15]

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[15] U.S. Congress, House, Committee on Indian Affairs, "Report on Regulating the Indian Department, H. Report No. 474, 23 Cong., 1st Sess., 1834, Cong. Serial Set #263, hereinafter cited as U.S. Congress, "House Report No. 474." At this time, federal laws and treaties were not specifically an attempt on the part of the U.S. Government to obtain absolute political control over the tribes. Later, when treaty provision became more specific and the independence of the tribes was waning, the federal educational efforts took on a more encompassing nature (Vine Deloria, Jr., "Legislative Analysis of the Federal Role in Indian Education", an unpublished report prepared pursuant to a contract from the U.S. Office of Education, Department of Health, Education and Welfare, 1975, pp. 3, 11; hereinafter cited as Deloria, "Legislative Analysis").

The educational activities of the federal government contingent on treaty agreements with the tribes began with the treaty of December 2, 1794, with the Oneidas, Tuscarora, and Stockbridge Indians. From this date until September 1, 1868, one hundred and twenty treaties were signed, which contained educational provisions.[16] As the movement for expansion and westward settlement began, the United States Government negotiated its way across the continent, often resettling the tribes and revising agreements, thus necessitating new treaties and new promises. The educational provisions contained many promises for services or support for the tribes in order to facilitate their adjustment to the encroaching white surroundings. Promises were made for general education purposes, teachers' salaries, construction and maintenance of school buildings, support of manual labor and industrial schools, instruction in agricultural, mechanical and industrial arts, school supplies and materials, and general funds for education.

While the treaties clarified the official practices of the federal government in its dealings with the Indian tribes, they did not regulate the day-to-day activities between Indians and citizens of the United States. Regardless of promises of protection and non-interference, there were constant disturbances on the frontier. And, even though the tribes retained their political independence, their unavoidable interaction with the settlers forced the government to formulate additional guidelines and regulations for interactions between Indians and white men.

In the 1790's Congress passed a series of temporary "trade and intercourse" acts to address this problem. Basically, these laws were designed to control the activity of the white settlers and traders who were transgressing on Indian land, using illegal means to obtain goods, and operating without appropriate licenses on Indian land. These laws led to the passage of the Trade and Intercourse Act of 1802,[17] a bill of a more permanent nature, which essentially incorporated the provisions of the previous bills and added several important provisions. Section 13 of the law reads:

> *And be it further enacted*, That in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall be lawful for the President of the United States to cause them to be furnished with useful domestic animals, and implements of husbandry, and with goods or money, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit: *Provided*, That the whole amount of such presents, and allowance to such agents, shall not exceed fifteen thousand dollars per annum.

This law is considered the first federal effort to incorporate into domestic law a plan for civilizing Indians, as well as that by which the United States assumed responsibility for providing social and educational services to Indian tribes:

> While the specific expenditures of this fund may be discretionary with regard to items purchased and presented to the Indians, it is not a discretionary fund with respect to the fulfillment of the

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[16] See Appendix G for a listing of the treaties which contained educational stipulations.
[17] U.S. Statutes at Large, Vol. 2, 139.

treaty obligations by the United States to protect the Indians and to preserve peace.[18]

The $15,000 annually appropriated by this law was to be disbursed by an officer of the Office of Indian Affairs (i.e., agents, sub-agents, superintendents) who was later required to make an accounting each year of the expenditures of this fund. This fund was used for a variety of purposes, including the salary of teachers of Indian children, instructors in mechanics and husbandry, as well as the furnishing of tools and materials for use in those endeavors.[19] The law remained in effect until 1834, when legislation was passed which reorganized the Indian Department and established new regulations for trade and intercourse with the tribes. Until that time, it remained, with slight modifications, the "basic law governing Indian relations." [20]

It appears that coexistent with the federal policy of treaty-making was an educational policy of civilization. In fact, the latter facilitated and reinforced the former as it was necessary to insure peace. With the passage of the Trade and Intercourse Act of 1802, it seems that the federal government was willing to make no small investment to achieve this end. As more treaties were negotiated, the provisions for education for the purpose of civilization became more frequent. These laws and treaties began to reflect a greater federal responsibility for Indian education.

In the early years of the Government, there was much concern and discussion as to how to permanently and satisfactorily resolve the Indian problem. It was to this issue that the Trade and Intercourse Acts were addressed. But, the administrative structure of Indian affairs was not conducive to executing a comprehensive plan, since the delegation of authority for different aspects of Indian affairs was directed to several levels: treaty commissioners, licensed traders, agents and superintendents:

> * * * the administrative responsibility for Indian affairs was distributed among five different government departments. The War Department has responsibility for Indian affairs generally. The Treaty Commissioners operated under the President and were authorized by him to negotiate whatever treaties he felt necessary to preserve the peace. The Governors and military commanders of frontier posts were responsible for passports and licenses for trade; and the Purveyor of Public Supplies, an officer of the Treasury Department, purchased goods for Indian trade. The State Department, as a matter of practice more than law, became responsible for maintaining the records of the treaties and handled territorial correspondence involving Indian affairs.[21]

This was the situation in the late eighteenth century, and it continued into the nineteenth century until the creation of the Office of Indian Affairs by the administrative action of then-Secretary of War John C. Calhoun in 1824. By then, the number of superintendents, agents, sub-agents, traders, and interpreters had multiplied so that a more definitive organizational structure had to be arranged. This administrative attempt by Secretary Calhoun to bring some order to Indian affairs finally culminated in the passage, in 1832, of a law creating the Office of Commissioner of Indian Affairs under the War Department.

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[18] Deloria, "Legislative Analysis," supra, note 13, p. 6–8.

[19] Reports of the Second Auditor of the Treasury show the accounts of those charged with disbursing money, goods, and other benefits to the Indians. These reports were required by an amendment to the 1802 Trade and Intercourse Act and later, by the Act of June 30, 1834, which reorganized the Indian Department.

[20] Tyler, "Indian Policy," supra, note 1, p. 42.

[21] Deloria, "Legislative Analysis," supra, note 13, p. 5.

The educational efforts of the federal government during these early years were directed towards civilizing the Indians, with the hope of eventually integrating them into the American way of life. This was considered the best way to preserve peace and maintain friendship with the tribes. However, in 1817, a bill was introduced into Congress which was specifically designed to provide for the civilization of the Indians adjoining the frontier settlements. It was a proposal to alleviate the Indian problem by establishing schools among the frontier tribes, hastening their acceptance of civilized life. As eventually passed on March 3, 1819, this bill established the Civilization Fund[22] which offered to give financial support to religious groups and interested individuals who would work and teach among the Indians.

The Senate Committee on Indian Affairs reported on the bill on January 22, 1818, and expressed the sentiment of that body to be:

> Your committee further reports that they consider supplying the Indian tribes with such articles of merchandise as are necessary to meet their pressing wants is not only an act of humanity, but of sound national policy; and that every measure that would tend to civilize those savage tribes ought to be pursued by the United States. Your committee are induced to believe that nothing which it is in the power of Government to do would have a more direct tendency to produce this desirable object than the establishment of schools at convenient and safe places amongst those tribes friendly to us. . . . In the present state of our country, one of two things seems to be necessary: either that those sons of the forest should be moralized or exterminated. Humanity would rejoice at the former, but shrink with horror from the latter. Put into the hands of their children the primer and the hoe, and they will naturally, in time, take hold of the plough; and, as their minds become enlightened and expand, the Bible will be their book, and they will grow up in habits of morality and industry, leave the chase to those whose minds are less cultivated, and become useful members of society.[23]

This act is most significant with regard to the federal responsibility for Indian education. It is the first legislative action taken by the United States which does not refer to any treaty or treaty-related responsibility, but instead assumes for the United States a general obligation for the civilization of the Indians, with an eye to subsequently incorporate them into the mainstream of American life allegedly to prevent their extinction. Thus, the act extends the Federal responsibility for Indian education and civilization to all tribes:

> The courts have held that this statute covers all tribes whether they held any treaty relations with the United States or not and from this statute comes the authority of the federal government to provide services for all Indians, regardless of location or previous legal relationship with the United States.[24]

Federal concern about the potential impact of the Civilization Fund instigated the first federal investigation of the conditions of Indians. In 1822, Reverend Jedidiah Morse was instructed by Secretary of War John C. Calhoun to make an inspection of the tribes and to ascertain their general condition as well as their progress in education. Reverend Morse was funded from the Civilization Fund since he was commissioned for the purpose of assessing the use and needs of that Fund and to make recommendations on further progress in the plan for civilizing the Indians.

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[22] U.S. "Statutes at Large," Vol. 4, 516.

[23] U.S. "American State Papers 1815-1827," 15th Cong., 1st Sess., No. 151, Vol. 2 Indian Affairs.

[24] Deloria, "Legislative Analysis," supra, note 13, p. 12.

Dr. Morse's journey took him to tribes in New England, New York, the Michigan and North West Territories, Indiana, Illinois, Kentucky, Pennsylvania, Virginia, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee. He reported that so-called "education families", usually associated with missions or religious denominations, were to be "the great instruments in the hands of the government, for educating and civilizing the Indians." [25] He recommended against any government attempt to discontinue or decrease the appropriation for civilizing the Indians, and added that it should be increased to accommodate for additional requests for financial support from the government by religious societies in their attempts to enlarge their work among the Indians.

The availability of the Civilization Fund had encouraged and sustained some religious groups who would otherwise have been forced to abandon their Indian work. Each year several applications had to be refused because the funds had already been committed. However, Congressional feeling towards retrenchment engendered discussion on the expediency of repealing the Civilization Fund Act by the House Committee on Indian Affairs in 1824. They stated:

> The civilization of the Indians has been viewed as a work of great national importance, by many whose talents, and public services have rendered illustrious the annals of our country. This was an object of great solicitude with Washington, and to all who have succeeded him. . . . More money was expended, in protecting the exposed parts of our country, from Indian depredations, during the late war, than would be required, if judiciously applied, to secure the great plan of Indian civilization. . . . From the various lights in which the committee have viewed the policy of this law, they are convinced that it is founded in justice, and should not be repealed.[26]

The Committee report further expressed the underlying philosophy behind the government policy: "The Indians are not now, what they once were . . . they must be civilized, or exterminated; no other alternative exists." [27]

Seven years after the passage of the Civilization Fund. Thomas McKenny, head of the Office of Indian Affairs, stated:

> The amount of demands for this year against the provision of $10,000 on account of education of Indian children, as per act of March 3, 1819; appropriating that sum for the civilization of the Indian is $13,783.33⅓. . . . The surplus in the first years after the passage of the act was considerable, but it had become reduced in the last year to $3,550.00; and now the whole of it is absorbed.[28]

He noted that "hundreds of Indian children are turned away, annually, from those nurseries kindness, for want of ability on the part of the superintendents to receive them." [29]

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[25] Jedidiah Morse, "A Report to the Secretary of War of the United States on Indian Affairs," New York; A. M. Kelly, 1970, p. 79. (See Appendix B for Statistics collected by Rev. Morse.)

[26] U.S. "American State Papers, 1815–1827," 18th Cong., 1st Sess.. No. 203, Vol. 2. Indian Affairs. See also, U.S. Congress, House, Committee on Indian Affairs, Report No. 92. 18th Cong., 1st Sess. 1824, Cong. Serial Set #106.

[27] Ibid.

[28] U.S. Department of the Interior, "Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the year 1826," p. 35.

[29] *Ibid.*, p. 38.

McKenney suggested that after the Indian children had finished their instruction and were capable of taking care of themselves that "sections of land be given to them, and a suitable present to commence with, of agricultural or other implements suited to the occupations" in which they wish to engage.[30]

By 1830, 1,512 students were receiving aid from the Civilization Fund. The chart indicates that 52 institutions were operating from Vermont and Maine in the North to Mississippi in the South and Ohio in the West.

The development of these initial educational endeavors had occurred while Congressional sentiment was building and the debate was forming around the question of removal. At the same time, as the Government was actively moving towards civilizing (i.e., assimilating) those Indians who were willing, it was also pursuing a course towards removing (i.e., isolating) those who would not accommodate themselves to white dominance and expansion. Since the very creation of the United States Government, both Executive and Congressional officials had wrestled with the question of whether the best course was to assimilate or isolate the Indians, regardless of whether these options might both be unacceptable to Indian people themselves. The United States was not inclined to modify its own goal of expansion, however inconsistent that was with preserving peace and maintaining the friendship of the Indians.

Removal

While the Indian Office was busy administering the plan for civilizing the Indians in the 1820's, it was simultaneously devising a plan to remove the tribes westward. The idea of assigning the Indians to a country of their own, apart from white influence and interference was not a new one. Ever since the formation of the Republic, government officials had considered removing the Indians from the territorial limits of the United States. Several factors contributed to the on-going dilemma of assimilation versus isolation.

First, there was constant controversy between the States and the Indians living within their limits. While tribes were treated by the Federal Government as sovereign political entities, having jurisdiction over their own affairs, their presence within United States territory exposed them to intrusions by white settlers and interference of State governments in their tribal affairs. The question of just how far States' rights were permitted to go under the Constitution had not been (and would not be for many years) settled; thus, the legal and political status of the Indian tribes aggravated this situation.

Second, there was no doubt that the central government wanted to acquire as much Indian land as it could coerce the tribes to relinquish. Because of the inherent differences between the values and style of life of the white, European descendents and the Natives of North America, there were deep-seated obstacles to achieving a just and mutually agreeable solution to controversies over land ownership and political governance.

Third, despite the investment of the United States Government in provisions and the means for Indians to acquire the habits of civilized life, their efforts were often not sustained when the Indian returned to his tribal society, since the societal structure and political organization were not conducive to practicing this way of life.

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[30] *Ibid.*, p. 39.

Finally, while missionaries succeeded in their Christianizing and civilizing work among several tribes, it became apparent that many Indian groups did not accept them so that the civilization effort was not all-encompassing by any means. Disturbances continued and often the Federal Government was ineffective in protecting either Indian people or its white citizens.

The idea that the preservation and civilization of the Indian tribes was possible only through their removal gained wider acceptance during the decade of the 1820's and became a justification for removing the tribes from the territorial United States. Southern States were protesting because the Federal Government was tolerating the presence of sovereign nations within the borders of equally sovereign States. While the yearly reports on the expenditures of the Civilization Fund indicated a decided expansion of missionary efforts, the fruits of their labors were dubious as far as long range and lasting effects were concerned. Several agents had reported over the years that once the "educated" Indians returned to their tribal environments, they immediately assumed their former ways. The Cherokee Agent, Col. Hugh Montgomery, reported in 1830:

> * * * It is too often the case that, when they return to the wilds, where the Indian language, manners, and customs, prevail, that they soon lose what they learn.[31]

In 1826, a bill "for the preservation and civilization of the Indian tribes within the United States" was proposed in Congress. This bill, a forerunner to the Removal Act, proposed to remove the Indians and to establish a territorial government for them outside the borders of the United States. However, it was not acted upon by Congress.[32]

In 1829, Thomas McKenney reported on the progress of the Indian nations in civilization. Despite an increase to over thirteen hundred scholars attending Indian schools, McKenney was dissatisfied with the results and determined that the plan was "defective." He added his own reinforcement to the increasingly popular belief that what was necessary was to provide the tribes with the opportunity to preserve and promote their civilized habits, in a land of their own. He stated:

> There needs some provision as a basis, on which to establish their children, for the preservation of their acquired habits, and the exercise of their improved advantages, after they leave school. In too many cases they return to their friends, and losing the inducements of the missionary establishment, to continue in the habits acquired there, and falling in with the customs and habits of their people, they relapse into their early practices, and in every sense of the word become Indians again. This, it is believed, would not be the case, if they had a society to return to, improved like that which they had left; or, if they had the means given to them to prosecute the trades they may have acquired, or inducements to cherish and cultivate the improvements which had been conferred upon them.[33]

The plan for civilizing the Indian tribes thus became a supportive rationale for removing them. In fact, an important factor utilized by the government in securing the consent of the southern tribes to remove west was to gain the cooperation of the religious societies working among them. Since they had invested much in the establishment of their missions, they would lose a good deal in the move. But government promises to reimburse them for losses sustained by the removal and to assist them in establishing new settlements among the emigrant Indians enticed most of them to transplant and continue their work. In addition, the treaties negotiating the removal of the tribes made generous provision for educational annuities, which would ultimately be directed to religious societies working among them.

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[31] U.S. Congress, Senate Doc. No. 110, 21st Cong., 1st Sess., Cong. Serial Set #193, p. 17.
[32] U.S. Congress, House Report No. 474, *supra* note 13, p. 77.
[33] U.S. Congress, House, "Report in Relation to the Preservation and Civilization of the Indians," Doc. No. 124, 19th Cong., 1st Sess. 1826. Cong. Serial Set #138.

That the federal government was pursuing two contradictory policies, reflecting the underlying philosophy of assimilation versus isolation, as illustrated in President Jackson's First Annual Message to Congress on December 8, 1829:

> It has long been the policy of the Government to introduce among them (i.e., the Indian tribes) the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands and thrust them farther into the wilderness. . . . Thus, though lavish in its expenditures upon the subject, the Government has constantly defeated its own policy, and the Indians in general, receding farther and farther to the west, have retained their savage habits.[34]

By the time Jackson assumed the presidency, the groundwork had been laid for the passage of the Removal Act. With Old Hickory in command, the legislative authorization received full administrative support, and he proceeded with treaty negotiations.

The Act of May 28, 1830, was designed to "provide for an exchange of lands with the Indians residing in any of the states or territories and for their removal west of the river Mississippi." [35] The assumption had been that the Indians' rights would be respected insofar as their consent had to be obtained before any moving began. The option was available for them to either go or remain, but if they chose the latter, they would be subject to the laws of the state in which they resided. They were assured that the land to which they were going would be theirs forever; that the government would protect them from white intrusions; and that they would receive government support for their subsistence during the journey and for the first year of settlement.

Despite the grand rhetoric and apparently noble intentions of the act, there was much Indian resistance to it and many refused to leave their ancestral lands. The removal policy contributed greatly to intratribal hostility and division, and eventually led to permanent cleavage within tribes and dissolution of tribal life. Regardless of the physical and emotional hardships endured by the emigrants during removal, the government proceeded with implementing the policy.

The tribes who were immediately affected by the legislation were the southern tribes, namely the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles. It is interesting to note that these tribes were later known as the Five Civilized Tribes, since, after their removal, they organized their territory and established governments and social institutions (including a very sophisticated educational system) modeled after their white neighbors in the United States. Having had early contact with white settlers and missionaries, these groups maintained their tribal existence by accommodating the habits of white life to their tribal traditions and customs.

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[34] Francis Paul Prucha (ed). "Documents of United States Indian Policy" (Lincoln: University of Nebraska Press, 1975), p. 47. Hereinafter cited as Prucha, "Documents of Indian Policy."

[35] U.S. "Statutes at Large," Vol. 4, 411.

During the 1830's, with the implementation of the removal policy, several problems converged on the Indian Department which led to a reorganization and readjustment of federal-Indian relations. One of these problems was the legitimacy of the Indian Office. Since 1824, that office had handled the affairs of the War Department which related to the Indians, but there had been no Congressional authorization for its existence. In 1832, legislation was enacted which established the Office of the Commissioner of Indian Affairs, placed him under the jurisdiction of the War Department, and permitted him to "have" the direction and management of all Indian affairs, and of all matters arising out of Indian relations." [36] This lent some stability to the Indian operations of the government, but over the years the Indian field service had grown and become more complex because of increasing responsibilities and administrative policy changes.

In 1834, the House Committee on Indian Affairs reported on three bills designed to address the current problems faced by the Office of Indian Affairs: organization of the Department, regulation of trade and intercourse with the tribes, and obligations to the Indians affected by removal. Congressional action led to the passage of two of these bills which significantly affected Indian affairs generally and Indian education specifically.

The Act of June 30, 1834,[37] reorganized the Indian Department and established a system of superintendents, agents and sub-agents, responsible for the affairs of the tribes within their jurisdiction and accountable to the Secretary of War through the Commissioner of Indian Affairs. It provided for standard compensation for interpreters, blacksmiths, farmers, mechanics, teachers, and others employed for the benefit of the Indians, and allowed that, in the performance of these duties, "a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties." Other provisions were made concerning the activities of traders and the purchase and distribution of rations and gifts to Indians called for in treaties. Importantly, Section 11 of the act provided that:

> The payment of all annuities or other sums stipulated by treaty to be made to any Indian tribe, shall be made to the chiefs of such tribe, or to such person as said tribe shall appoint; or if any tribe shall appropriate their annuities to the purpose of education, or to any other specific use, then to such person or persons as such tribe shall designate.

The use of treaty funds for education—both general annuities, and specific educational stipulations—had been the first form of financial support for Indian education arising from obligations of the federal government. However, this practice was prone to misuse, since the accounting procedures of the Indian Office and reporting practices of the Treasury Department were neither standardized nor uniformly enforced. Furthermore, difficulties were presented in the distribution of annuities to tribes whose leadership was questionable, and to individual members of tribes whose legitimacy was also in doubt. It was to this issue that Section 11 of the Act of June 30, 1834, was addressed. The Committee assumed that paying the annuities to the chiefs would relieve the government of responsibility for how the funds were used, believing that the chiefs would apply them "to the expenses of their Government, to the purpose of education, or to some object of general concern." [38]

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[36] U.S. "Statutes at Large," Vol. 4, 564.
[37] U.S. "Statutes at Large," Vol. 4, 735.

Also passed on June 20, 1834, was the Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.[39] This act more or less codified the trade and intercourse practices which had developed over the years, and set penalties and fines for intruders on Indian land and offenders of Indian rights.

In the controversy about the legal and political status of Indian tribes and the extent of states' rights during the removal period, the Supreme Court was presented with two cases. In 1831, Chief Justice John Marshall refused jurisdiction over a case in which the Cherokee Nation objected to the state of Georgia extending its laws over their affairs, as they lived within the borders of that site. Delivering an opinion in the case of *Cherokee* v. *Georgia*, he stated that the Indian tribes were "domestic dependent nations" whose relationship to the United States Government "resembles that of a ward to its guardian." [40] Although it asserted the rights of the Cherokees to be an independent, self-governing nation, entitled by treaty stipulations to the protection of the United States, the decision left the Cherokees defenseless against the encroachment of Georgia.

Having failed in 1831, the Cherokee Nation again attempted to prevent Georgia from extending its jurisdiction over the affairs of the tribe in 1832. The case of *Worcester* v. *Georgia* arose out of an incident in which Georgia officials had arrested and imprisoned Samuel A. Worcester, a missionary to the Cherokees, for refusing to submit to the state law regarding whites residing on Indian land. The decision of the Supreme Court declared the action of Georgia unconstitutional and ruled in favor of Reverend Worcester on the grounds that the "Cherokee nation . . . is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force. . . ." [41] However, existing law prevented enforcement of that decision.[42]

Despite the fact that these two cases further defined the political character and legal status of Indian tribes, the removal of the Indians and the concomitant federally-supported civilization efforts reinforced the notion that the Indian relationship to the United States was either gradual and complete assimilation or total isolation.

Commissioner of Indian Affairs Harley Crawford decided to formalize the manual-labor plan for educating Indians in 1839. A number of field agents had suggested the idea, and it appeared to be a method for teaching the Indians both the arts of civilization and farming. He stated:

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[38] U.S. Congress, "House Report No. 474," *supra* note 13.

[39] U.S. "Statutes at Large," Vol. 4, 729.

[40] Prucha, "Documents of Indian Policy," *supra*, p. 59, note 32.

[41] *Ibid.* p. 61.

[42] Ronald N. Satz, "American Indian Policy in the Jacksonian Era," (Lincoln; University of Nebraska Press, 1974), p. 49.

> The subject of Indian education has been much thought of from a thorough conviction that all attempts at general civilization, or any hope of impressing many with proper views of a Providence over all, without the efficient aid of schools will be vain . . . the greatest prospect of ultimate success is held out by small schools with farms attached, in the most compact Indian settlements. The teacher mingles familiarily with his scholars, and frequently meets and converses with the parents, who see their offspring from time to time engaged at their books and on the little farm, become familiarized with the process, and observe (which even they must do) the change that is gradually but surely wrought upon the tempers, habits, and conduct of their children. A moral influence surrounds and fills the cabin; the heads of families, or adult brothers and sisters, may not learn to read or write, but they will feel what they cannot explain.[43] .

These schools were to be operated as primary schools among the tribes and later as secondary schools outside the communities. Crawford strongly urged that "Indian females" be given an education in these schools. He felt, "if the women are made good and industrious housewives, and taught what benefits their condition, their husbands and sons will find comfortable homes and social environments, which, in any state of society, are essential to morality and thrift."[44] Within a year, the schools were reporting on the success of the numbers of boys and girls in attendance.

As the manual-labor schools were being organized, the Five Civilized Tribes had begun to pull their children out of the schools in the states and bring them back to their communities. Between 1838 and the outbreak of the Civil War, the Five Civilized Tribes had built a system of neighborhood, district, and seminary schools. Within a decade, the majority of their teachers had changed from the missionary teachers educated in the Northeast to local trained teachers from among their own people. These schools were financed by the tribes with the educational annuity monies and with grants from the tribal treasury. Prior to the Civil War, the Five Civilized Tribes were operating a complete school system under their own administration from elementary through higher education.[45]

In 1849, the Office of Indian Affairs was transferred to the Department of Interior and thus came under civilian control. Apparently, this transfer from the War to the Interior Department had little effect on the educational policies. Except for the Five Civilized Tribal school efforts, the role of the missionary continued as the prime educator of Indian children.

Reservation Settlement

While the tribes were being removed and settled in Indian country, intensive negotiations were being conducted by the United States with tribes in the Great Lakes, Plains, and Northwest.

As the westward expansion of white settlers proceeded, tribes were being pushed out of their hunting and homelands. A new policy, an extension of Removal, was undertaken. Resettlement of tribes onto reservations became the thrust of the federal government. Some tribes had been removed to Indian territory, were settled and beginning to re-establish themselves, when the government negotiated with them to move other tribes onto their lands. Usually, the arrangements which permitted such movements were not formally approved until long after the tribes had already been resettled there. Thus, the 1840–1890's was a period in which new treaties, executive orders, and agreements were made. These continued to reflect the various educational provisions outlined in the section on treaty making.[46]

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[43] U.S. Congress, Senate Doc., 26th Cong., 1st Sess., Cong. Serial Set #354, p. 343–344.
[44] *Ibid.*, p. 344.
[45] Helen M. Scheirbeck, "Tribal Schools Among the Five Civilized Tribes (1819–1918)," awaiting publication, July 1974.

Along the eastern seaboard, the remnant Indian groups had withdrawn into isolated communities and were soon to be caught in the abolitionist scare which caused many states, particularly those in the South, to pass "laws against people of another color." These laws caused the Indian groups to withdraw even more, so that they could protect their people and their identity.[47]

As the Civil War approached, the tribes in Indian Territory were divided in their loyalties between the Union and the Confederate causes. The Five Civilized Tribes had intense divisions in each of their tribes. These divisions created great hardships and tribal dissensions. Soon, the very status of the tribes, their institutions and governmental services were to be subjected to the ravages of war.

Indians in the Great Lakes, the Plains, and the far West were caught in the daily encroachments with the white settlers and the U.S. Calvary sent to keep all roads West opened. The railroad, as it came from both East and West coasts to meet itself, soon found the open hunting and grazing lands of the Indians had to be used as progress moved on.

By 1851, the reservation settlement began. The Crows of Montana, and the Crow Creek and Lower Brule Sioux of South Dakota, were the first to be put on reservations. The next twenty years were filled with enforced reservation settlement of Indian tribes and a radical change in their legal status. As the Civil War ended, an overriding concern of the federal government was to clean up the Indian Bureau and bring the remaining hostile Indians onto the reservations. As the military organized their campaigns to do this, General Ulysses S. Grant became the President of the United States.

His new policy was to become known as the "Grant's Peace Policy." He gave the military orders to break up the Great Sioux Reserves and bring their hostile chiefs back. He also turned to the churches and asked them to take up the civilizing and educating of these Indian people. In 1869, Grant appointed a Board of Indian Commissioners to serve without compensation, except for their expenses "to cooperate as an inspecting and advisory body . . . in matters concerning Indians under federal supervision."[48] Although the Board was organized to supervise the buying of various supplies for the Indian Bureau, its influence touched the administration, organization, and appointment of agents, teachers, and farmers as well as the philosophies and policies of the next sixty-four years of Indian affairs.[49] Initially, the Board paid closest attention to supervising buying supplies for Indian reservations and to recommending the various agents to be employed. It was during this period that the various Board members took the responsibility of hiring various agents of high Christian character.[50] These agents represented the various Protestant denominations and served as the antecedents of the "civilizing and Christianizing" influences seen in many Indian tribes today. The following groups were assigned to reservations:

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[46] U.S. Congress, House Report in Relation to the Presentation and Civilization of the Indians, *supra*, note 31.

[47] Jack Greenberg, "States and Their Laws of Color."

[48] "Annual Report of the Commissioner of Indian Affairs for the Year 1869," *supra* note 25, p. 4–5.

Religious group	Name of agencies and location	Total number agencies	Total number Indians
Hicksite Friends	Great Nemaha, Omaha, Winnebago, Pawnee, Otoe and Sante in Nebraska.	6	6, 598
Orthotop Friends	Potawatomi, Kaw, and Kickapoo in Kansas; Quapaw, Osage, Sac and Fox, Shawnee, Wichita, Kiowa, and Upper Arkansas in the Indian Territory.	10	17, 724
Baptist	Cherokee and Creek in the Indian Territory; Walker River and Paiute in Nevada; and Special in Utah Territory	5	40, 800
Presbyterian	Choctaw & Seminole in the Indian Territory; Albiquiui, Navajo, Mescalero Apache, and Tulanosa in New Mexico Territory; Morquis Pueblo in Arizona Territory; Nez Perce in Idaho Territory; and Uintah Valley in Utah Territory.	9	38, 069
Christian	Pueblo in New Mexico Territory and Neah Bay in Washington Territory.	2	8, 287
Methodist	Hoopa Valley, Round Valley and Tule River in California; Yakima, Skokamish and Quinault in Washington Territory; Warm Springs, Silitz and Klamath in Oregon; Blackfeet, Crow, and Milk River in Montana Territory; Fort Hall in Idaho Territory; and Michigan in Michigan.	14	54, 473
Catholic	Tulatup and Colville in Washington Territory; Grand Ronde and Umatilla in Oregon, Grand River and Devil's Lake in Dakota Territory; and Flathead in Montana Territory.	7	17, 856
Reformed Dutch	Colorado River, Pima and Maricopa, Camp Grants, Camp Verde, and White Mountain in Arizona Territory.	5	8, 118
Congregational	Green Bay and Chippewa of Lake Superior in Wisconsin; Chippewa in the Mississippi in Minnesota.	3	14, 476
Episcopalian	Whetstone, Ponca, Upper Missouri, Fort Berthold, Cheyenne River, Yankton, and Red Cloud in Dakota Territory; and Shoshone in Wyoming Territory.	8	26, 929
American Board of Commissions for Foreign Missions.	Sisseton in Dakota Torritory	1	1,496
Unitarian	Los Pinos and White River in Colorado Territory	2	3, 800
Lutheran	Sac and Fox in Iowa	1	273
Total		73	238, 899

The absence of Catholic representation on the Board led to the founding of the Bureau of Catholic Indian Missions which became a private group subsidizing missions and schools among the Indians.[51]

The Board of Indian Commissioners were to serve until 1933 as a voice both to the government and the public for bringing "men of high Christian principles into Indian affairs", honesty in the dealings with the Indian officials, and a greater push for educational facilities and programs to civilize the Indians.[52]

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[49] U.S. Department of the Interior, "Annual Report of the Board of Indian Commissioners to the President for the Year 1929," p. 1-2. Hereinafter cited as "Annual Report of the Board of Indian Commissioners" for the specified year.

[50] "Annual Report of the Commissioner of Indian Affairs for the Year 1872," note 25, Vol. 3, p. 460-42.

[51] Peter J. Rahill, "The Catholic Indian Missions and Grant's Peace Policy," 1870-1884 (Washington, 1953), p. 46.

By 1871, Congress ended its treaty-making with Indian tribes and from this time on, federal reservations were created by executive orders, agreements, or special acts of Congress.[53]

Interestingly enough, the expenditures of the Civilization Fund stopped being reported after 1850 and was repealed in 1873. However, a small section was added to the Osage Treaty of 1865, which called for using monies from surplus lands for another civilization fund, which was reported on the books until 1911.[54] The federal government became more directly involved in the operation of the school system for Indians by 1870.[55]

This call for a more direct policy had emanated from a series of visits of the Board of Indian Commissioners to the various reservations and schools, as well as the Commissioner of Indian Affairs. They called on Congress to reform and develop special protection for American Indians. For example, Commissioner of Indian Affairs Charlie Mix noted in 1885 that removal from place to place had prevented the Indians from acquiring settled habits or a taste for civilized pursuits; that assignment of large areas to tribes in common had forestalled an appreciation of individual property; that the payment of annuities had "not only tended to foster habits of indolence—but constantly made them the victims of the lawless and inhuman sharper and speculator." [56]

As these circumstances continued, it became necessary for Secretary Caleb B. Smith to suggest to Congress that it would be more realistic to regard Indians as wards of the government.[57]

There was great hostility between the tribes and the white pioneers. Except where authority had been granted to tribes by treaty to handle their own justice, the federal law governed crimes committed by whites in Indian country.[58] States and territorial courts had no jurisdiction in litigation involving the relations of Indians and whites or among the Indians themselves which arose within the boundaries of the reservations. The reservation system with the annuity and rations only added to the difficulty of tribal government in exercising leadership among their people.

The appropriation of $100,000 was passed "for the support of industrial and other schools among the Indian tribes not otherwise provided for" in 1870. This Act brought education for Indians more directly under the control of the Indian Office and stimulated the establishment of government schools. The first efforts by the Indian Bureau under this law were the establishment of day, boarding, and finally industrial training schools. All with an emphasis on basic skills (speaking, reading, and writing English and rudimentary arithmetic) and mechanic arts and farming. Clearly, the official goal was to give Indian students basic skills to help them make a living by farming. As these schools developed, their course of study became more and more remote from their home environment and directed more to the white community. The industrial schools combined work by using tools and machinery with the basic skills in English.

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[52] *Ibid.*, *supra*, note 47, p. 2.

[53] U.S. "Statutes at Large," 16 Stat. 544 ; 566 R.S. Sec. 2079 ; 25 U.S.C. 71.

[54] U.S. "Statutes at Large," Vol. 14, 687.

[55] Act of July 15, 1870 (16 Stat. 335, 359).

[56] Annual Report of the Commissioner of Indian Affairs, *supra*, note 25.

[57] U.S. Department of the Interior, "Annual Report of the Secretary of Interior for the Year 1862" (Washington, D.C., U.S. Government Printing Office).

[58] For example, see the Treaty with Sioux 1868 for a description of this type of jurisdiction.

Although reservation settlement continued through the 1930's, its most aggressive era was from the 1860's to the 1900's. The forced settlement of many of the tribes caused a total dependence on the federal agent for food, shelter, and clothing. The relation between the tribal leaders and their people radically changed as the dependence on the government grew. To many of the members of the tribe, the Indian agent took over the responsibility of the civil leaders in matters of domestic affairs and law and order. However, the cultural and religious values came under steady attack by the agents and the churches. The schools were used as the vehicle to undercut both the cultural and religious values of Indian people. The schools became the battleground and the children became the target of this new policy of civilizing and settling the Indians.

Allotment Period

As soon as the reservations were under the control of the Indian Bureau, certain members of Congress and the Board of Indian Commissioners began advocating for a more humanitarian and civilizing policy towards American Indians.

Secretary of Interior Carl Schurz recommended in 1877 an allotment to heads of families on all reservations for "the enjoyment and pride of individual ownership of property being one of the most effective civilizing agencies." [59] The momentum for such a policy appears to have started in the late 1830's with various treaties and laws issuing patents and certificates of allotments to individuals.[60]

Throughout the 1870's and 1880's, all the Commissioners of Indian Affairs called for legislation supporting allotment except Francis Walker. The theory among the Indian agents and officials were that allotment would break up the reliance on tribe and community and produce individualism and pride. It was also seen as a means for promoting citizenship among the Indians. All of this activity culminated in the passage of the General Allotment Act of 1887 (commonly known as the Dawes Act). This Act contained four provisions:

1. A grant of 160 acres to each family head, of eighty acres to each single person over eighteen years of age and to each orphan under eighteen, and of forty acres to each other single person under eighteen;
2. A patent in fee to be issued to every allottee but to be held in trust by the government for twenty-five years;
3. A period of four years to be allowed the Indians in which they should make their selections after allotment should be applied to any tribe—failure of the Indians to do so should result in selection for them at the order of the Secretary of the Interior; and
4. Citizenship to be conferred upon allottees and upon any other Indians who had abandoned their tribes and adopted the habits of civilized life.[61]

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[59] Hearings before the Committee on Indian Affairs, House of Representatives, 73d Congress, 2d Sess., on H.R. 7902, Washington, Government Printing Office, 1934, as cited in D.S. Otis, "The Dawes Act and the Allotment of Indian Lands" (Norman, Oklahoma: University of Oklahoma Press, 1973), p. 8.

[60] *Ibid.*, p. 3.

[61] U.S. "Statutes at Large." Vol. 24, 388–90.

And lands remaining after the allotments were to be purchased by government. They were to be sold and the funds were to be used for education and civilization. This law was to move the Indians further along in the civilizing process. The Indian was to become an independent farmer and a citizen.[62]

In the minds of the policy makers, the General Allotment Act had three aims—to break up tribal life, to enable the Indian to acquire the benefits of civilization, and to protect his present land holdings.[63] Friends of the Indians in Congress and the Executive Branch saw this law as a new way to enhance Indian development.

A few voices were raised in the Congress to state that "it does not make a farmer out of an Indian to give him a quarter section of land." [64] Senator Henry Teller had called an earlier effort at an allotment act, "a bill to despoil the Indians of their lands and to make them vagabonds on the face of the earth." [65]

The westward expansion and the pressures for railroad development were intense during this period. It appears that the Dawes Act used allotment to begin destroying "the reservation and opening up Indian lands . . . (it) was established as a human and progressive method of making way for the 'westward movement'." [66]

As allotment took hold, the foundation of Indian tribal life was shaken to its root. The clans were separated, land was divided, and tribal authority was defied. As the lands were allotted, tribal members were given citizenship, and tribal authority became overshadowed by the federal agents. This was the era during which the government officially recorded Indians by agency who "wear citizen's dress, live in houses, send their children to schools, attend church on the Sabbath." [67]

During this period, the growth of the off-reservation boarding schools began in earnest. These schools had as their main objective to make Indians like whitemen. Commissioner of Indian Affairs stated:

> The Indian child must be taught many things which come to the white child, because of environment, without the schoolmaster's aid. From the day of its birth, the child of civilized parents is constantly in contact with civilized modes of life—of action, thought, speech, dress—and is surrounded by a thousand beneficient influences that never operate upon the child of the savage parentage, who, in his birth hour, is encompassed by degrading atmosphere of superstition and of barbarianism. Out from the conditions of his birth he must be led in his early years into the environments of civilized domestic life. And he must be thus led by the school teachers.[68]

It was during this time that Colonel Richard Pratt started Carlisle, one of the most famous of the off-reservation boarding schools. He felt that within three to five years, Indians could be assimilated if America went about it with force. His plan called for scattering nine Indians to a county throughout the country.[69]

During this period, the schools stressed character, industrial training, and individualism. The outing system of placing students to live and work for white families was started at these schools.

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[62] Otis, *op. cit.*, p. 7.
[63] *Ibid.*, p. 12.
[64] House Report #1576, 46th Cong., 2d Sess., Cong. Serial 1938, p. 8.
[65] Congressional Record, Vol. 11, p. 932 (January 26, 1881).
[66] Otis, *op. cit.*, p. 32.
[67] *Ibid.*, p. 47.
[68] "Annual Report of Commissioner of Indian Affairs for the Year 1888," *supra*, note 25, p. XIX.
[69] Lake Mohonk "Conference Proceedings," 1889, p. 46–49

This was also the time the superintendent of Indian schools was established, a position which continued from 1881 to 1900. The superintendent visited and acted as an inspector of the various schools. During his visits, he reviewed qualifications of the teaching staff; the relations with the agents; the facilities; the curriculum; and selection of students. He generally assessed the effectiveness of the government's programs and reported his findings back to the Commissioner. These early superintendents also had their wives hired to inspect the schools, check on the diets of the students, look at student needs, and review things from a "female point of view." The superintendent also was sent on special missions to talk with tribes who had no educational system about how to get their children in school.[70]

As a result of the allotment policy, there was some concern expressed for adults or family education. This idea was tied into educating Indian adults so that they could become self-supporting, particularly in agricultural pursuits. The local farm teacher was hired and placed on many reservations during this era.

In 1889, General Thomas Morgan became the Commissioner of Indian Affairs. He had a keen interest in the education of Indian youth. By December that year, he presented a special educational plan to the Secretary of Interior. The plan indicated a need for cultural training. It also called for a more organized system of education for Indian students in which the attendance would be compulsory [71] and the course of study, textbooks, and instruction would be standardized. He also urged that vocational training be added to the Indian schools.[72]

During Commissioner Morgan's tenure, Congress passed laws which permitted him to enforce attendance at Indian schools [73] and withhold both rations and annuities from families who did not send their children to school.[74] He also talked about the need for an agricultural training plan for Indian adults to enhance the allotment policies; however, no such plan appears to have been organized. Throughout this period, the great emphasis was on taking the youth and producing "the loyal, truly American born, educated citizens of Indian parentage, ready and willing to accept to the uppermost the privileges and all the grave responsibilities of American citizenship." [75] Unfortunately, while the youth were being educated, their parent's farms and the tribal order, was disintegrating, as the allotment policy continued.

It was also during Commissioner Morgan's tenure that the Superintendent of Indian Schools became the head of the Education Division. Between the Commissioner and the Superintendent, the school system was brought under civil service in 1891 and educational superintendents were put in charge of the reservations. All of these factors pointed towards the schools becoming the dominant force in training Indians for allotments.[76]

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[70] U.S. Department of the Interior, "Annual Report of the Superintendent of Indian Schools to the Secretary of the Interior for the Year 1881" (Washington, D.C., U.S. Government Printing Office), p. 1–5.

[71] "Annual Report of the Commissioner of Indian Affairs for the Year 1890," XIII.

[72] *Ibid.*, the Year 1889, p. 93–114.

[73] *Ibid.*, the Year 1890, XIII.

[74] *Ibid.*, XIV.

[75] *Ibid.*, XIII.

[76] See Superintendent of Indian Schools Reports 1881–1900 for a description of this development.

Between the enactment of the Allotment Act (1887) and the passage of the Burke Act (1906), Indian allotments and cessions of land reached their peak. The Indians were surrounded by white settlers *interested in leasing with a view to buying* Indian lands. Tribal and federal law were not operative or effective during this time. The state laws were in control as the lands passed out of Indian ownership. It was thought allotment was to cure all the ills by itself. No training or financial resources were provided to the adults by the government.

The Burke Act of 1906 served to stem the tide. Indian allotted lands were to come under federal rather than state laws during the twenty-five year trust period. The Secretary could extend the trust if need be and citizenship was not to be granted until the trust expired.

By 1921, Commissioner Charles Burke, the author of the 1906 law, stated that "more than two-thirds of the Indians who have received patents-in-fee have been unable or unwilling to cope with the business acumen coupled with the selfishness and greed of the more competent whites, and in many instances have lost every acre they had." [77] Clearly, allotment had pushed forced assimilation and the dissolution of Indian tribal lands and governments. Although education programs had been rapidly expanded, they did not appear to be having an impact on the people.

Although the early allotment period saw the expansion of the federal school system, Commissioner W. A. Jones launched a rather extensive attack on the Federal Boarding School in 1901. He maintained that these schools were too expensive to maintain, taught elitist curriculum not suited to Indian life, and created too much dependence on the federal government. The Commissioner called for a shift from non-reservation boarding schools to on-reservation boarding and day schools.[78]

The next Commissioner, Frances Luepp, launched a campaign to construct day schools throughout Indian country to "carry civilization to the Indian . . . (not) the Indian to civilization." [79]

The next major shift in Indian educational policy was under Commissioner Robert Valentine in 1910. By organizing contracts with local school districts, he sent Indian children to school with the whites.[80] He mandated the adoption of public school curriculum in the government schools. By 1912, the number of Indian children in public schools was larger than in government schools. After 1915, the number of government schools and the Indian children attending them declined.[81] Two years later, Commissioner Cato Sells announced a new policy of releasing Indians from their federal relationship. He declared all adult Indians of one-half or less Indian blood to be competent and gave them control of their property under the Burke Act. In addition, all students who received diplomas from government schools, at age 21, were to be declared competent.[82] The desire to end federal control over Indian affairs had turned to using education as a criterion to fortify the aims. In addition, Commissioner Sells announced the aim of placing all Indian children in the public schools. Congress had also passed an act stating:

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[77] *Ibid.*, "Annual Reports of the Commissioner of Indian Affairs for the Year 1921," p. 25.
[78] *Ibid.*, "for the Year 1901," p. 1–2.
[79] *Ibid.*, "for the Year 1907," p. 21–30.
[80] *Ibid.*, "for the Year 1920," p. 40.
[81] *Ibid.*, p. 156.
[82] *Ibid.*, "for the Year 1917," p. 3–4.

> that hereafter no appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and the State wherein they live and where there are adequate free-school facilities provided.[83]

The regulations organized by the Indian Bureau indicated the enrollment, attendance, and tuition to be paid for these pupils.[84] The tuition paid was "based on the cost of education of white pupils in the schools where the Indians attend."[85]

Even though this became the policy, it is evident that many Indians in the Southwest still had no schools to attend. Allotment was meant to justify the individualizing of Indian lands so that they could be brought on the local tax rolls. It was meant also to bring Indian people quickly into full-fledge citizenship with its privileges, responsibilities, and problems. During this period, education of the children was to bring this about.

Citizenship—State

In 1924, President Calvin Coolidge signed the Indian citizenship bill. This law declared "all non-citizen Indians born within the territorial limits of the United States,"[86] citizens. Although two-thirds of the Indians were already citizens, this Act completed a piecemeal legal process which had been used to make Indians citizens at various times since the early 1800's and through a variety of mechanisms. Except for clarifying the right to vote for many Indian groups, it is not apparent that this law has legally had much of an impact on Indian education or Indian people. Yet, this Act was used increasingly by the government to urge states to treat Indians on an equal footing with other citizens for services and to encourage Indians to accept the same duties and responsibilities as other citizens.

The year all Indians became citizens also saw the Secretary of Interior call a "committee of One Hundred Citizens" together to discuss ways to improve the Indian service. This committee zeroed in on the problems of Indian education. They recommended competent personnel, adequate school facilities, increased student enrollment in public schools, and scholarships for high school and college students, and a recognition of student-labor programs. The work of this committee caused the federal government to reorganize the government schools so that they could offer advance work. For example, the day schools were to offer through the sixth grade and the non-reservation boarding schools were to offer through the eighth grade. Haskell Institute was to offer through the eighth grade. The move for high school grades were added slowly. Home economics and agricultural extension agents were added to the schools.[87] Although the Bureau of Indian Affairs recognized the importance of this report, neither the committee nor the agency ceased pushing the assimilation of Indians through the school system.[88]

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[83] 40 Stat. L. 564.

[84] These regulations appear in the appendix F, Page 313.

[85] *Op. cit.*, "Annual Report of Commissioner of Indian Affairs for the Year 1921," p. 7–8.

[86] 43 Stat. 253, 8 U.S.C. 3.

[87] The Committee of 100 was a group of prominent citizens appointed by Secretary Herbert Work to advise him concerning Indian matters.

Although allotment and the dissolution of tribal authority continued as policy, the years between 1924–1928 saw a greater interest in protecting Indian property. The Meriam Survey was authorized in 1926 to review federal policy towards American Indians and make recommendations to improve it. This report condemned the allotment policy and urged protection for both Indian people and their property. In education, the survey pointed out the shocking conditions of the boarding schools, called for an end in their enrollment of elementary children, and urged an increase in day schools.[89] The report appeared to urge a more liberal policy for the existence of cultural diversity and the use of education as a tool to accomplish this.

With the election of President Herbert Hoover, the Bureau of Indian Affairs came under the direction of Commissioner Charles Rhoades. The Meriam Report's findings served to stimulate new efforts by the Bureau in education, health, administration, and personnel. However, the policy towards the allotment of land and tribal governments did not change.[90]

During this time, W. Carson Ryan, formerly the Education specialist with the Meriam Survey, became the Director of Education for the Bureau of Indian Affairs. In the Meriam Survey, he had looked closely at the boarding schools—the facilities, curriculum, teachers, student labor, food and discipline.[91] He had declared that they were totally inadequate.[92] Ryan sought to develop a more responsive education program for the Bureau by organizing a community school system on the reservations: increasing federal-state education contracts for Indian children attending public schools; phasing out the boarding schools; and extensively revising the curriculum. The curriculum was to be reorganized to teach basic skills and incorporate cultural traditions and art based on local heritage. He also reorganized the education office and added specialists for different areas like home economics, vocational education, guidance to assist him in redirecting the educational efforts.[93]

Citizenship—Federal

Although the citizenship act applied to all Indians, the federal relationship with Indians had continued. Citizenship status had been impeded through the various policies. The decade of the 1930's was to witness a renewed effort on the part of the federal government to revitalize Indian tribes and communities and to pay respect to their culture and traditions.

With the presidency of Franklin D. Roosevelt, came as well a "new deal" for American Indians. Secretary of Interior Harold Ickes and

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[88] Institute for Government Research, "The Problem of Indian Administration" (1971; rpt. New York: Johnson Reprint Corporation), pp. 402–403. Hereinafter, this report will be called the Meriam Report.

[89] *Ibid.*, p. 10–14; p. 401–409.

[90] W. Carson Ryan and Rose K. Brandt, "Indian Education Today," "Progressive Education," Vol. 9 (February, 1932), p. 85.

[91] "Annual Report of the Secretary of the Interior for the Year 1934," *supra*, p. 82.

[92] *Ibid.*, p. 84.

[93] *Ibid.*, p. 88.

Commissioner of Indian Affairs John Collier began immediately to initiate a new Bureau philosophy and goal for Indian affairs.

The passage of the Indian Reorganization Act in 1934 gave Secretary Ickes and Commissioner Collier their main tool for reforming Indian affairs. In describing this Act, Collier stated:

> Through 50 years of "individualization" coupled with ever increasing amounts of arbitrary supervision over the affairs of individuals and tribes so long as these individuals and tribes had any assets left, the Indians have been robbed of initiative, their spirit has been broken, their health undermined, and their native pride ground into the dust.
>
> The Wheeler-Howard Act (IRA) [sic] provides the means of destroying this inferiority complex, through those features which authorize and legalize tribal organizations and incorporation, which give these tribal organizations and corporations limited but real power, and authority over their own affairs, which broaden the educational opportunities for Indians, and which give Indians a better chance to enter the Indian service.[94]

In education, Commissioner Collier sought to improve the existing schools, reduce and eliminate boarding schools, and develop day schools that would work with adults as well as children and become community centers.[95] A major effort was to be made on the Navajo Reservation to organize community schools. At the same time, the Johnson-O'Malley Act came into being. This law made it possible for the Indian Bureau to contract with states for health, education, and welfare services.

This law permitted one contract with the states rather than the hundreds of contracts with local school districts which had been necessary before. The States of California and Washington had already been educating the Indian children. With the passage of Johnson-O'Malley, these states immediately obtained contracts. The California contract contained an interesting proviso:

> (The State of California agrees) to afford special courses to Indian arts and crafts, physical and health education; and in distinctly Indian communities, to provide an educational program designed to meet the special needs of the Indians, this program to be adopted and carried out, wherever feasible, with the advice of anthropologists acquainted with the particular Indian group and after consultation with recognized representatives of the Indians, to the end that the program shall take adequately into account the Indian community life, shall be based on Indian economic, health, and social needs, and shall encourage Indian participation.[96]

This law formalized a pattern of federal-state activity in Indian education which continues today.

The educational loan provisions included in the Wheeler-Howard Act (IRA) also extended governmental assistance to Indians who wish to attend non-government vocational, trade, and high schools as well as colleges and universities. The Commissioner reported that in 1935, there were 515 Indian students in colleges and universities. The following professional and advanced vocational courses were represented: teaching, 49; physical education, 19; home economics, 12;

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[94] *Ibid.*, p. 91.

[95] For example, programs from the Farm Security Administration, Public Works Administration, and Farm Resettlement Administration were utilized to assist Indians through the efforts of Commissioner Collier.

[96] House Report 2091, 1944, p. 335–349.

nursing, 11; agriculture, 8; art, 5; medicine, 5; civil engineering, 5; law, 5; forestry, 3; electrical engineering, 3; architecture, 3; and social service, 3.[97] The government's policy of supporting undergraduate and graduate education appears to have been formalized by this law. A blood requirement concerning Indians for these programs also appeared in this law. It stated,

> The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under federal jurisdiction and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of an Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians.[98]

The Indian Bureau moved aggressively to carry out Collier's new policies. The Commissioner himself, when Congress did not appropriate enough money, effectively sought and obtained monies from other Federal agencies to extend the program.[99] He used the depression-emergency agencies to assist Indian tribes and communities. The respect for and restoration of Indian tribes and communities and the development of their governments were the main thrust of this administration.

By 1939, the Senate Indian Affairs Committee began recommending the repeal of the Wheeler-Howard Act (IRA) and the reorganization and reduction of the Bureau. Appropriations were reduced as a result of this attitude and the Second World War. Congress opposed the continued purchase of non-taxable lands for Indians and redirected the policy towards "bringing Indians into full and equal participation in American life rather than prolonging their special status as Indians." With this directive, John Collier resigned as Commissioner in 1945.

The federal citizenship era which began in 1934 with the full intention of encouraging the development of Indian tribes, their governments, their cultures, and economics ended under the guise of equal participation in American life, ten years later. From this time until 1950, the Congress seized the initiative in Indian affairs. They passed the Indian Claims Commission and the Navajo-Hopi Rehabilitation Acts.

The Indian Claims Commission awards to tribes for the taking of lands illegally brought some early wealth to a number of Indian tribes. These awards were used by Congressional committees as an excuse to call the acting Commissioner of Indian Affairs before them in 1947, for the purpose of soliciting from him a plan to reduce Bureau expenses. Commissioner Zimmerman agreed to list the tribes and criteria to govern how they should be released from federal control.

The Hoover Task Force on reorganizing the Executive Branch in 1949 suggested that the "federal government relinquish its responsibilities over Indians to the states and that tax exempt status be terminated." This recommendation served to give impetus to the next major policy focus in Indian affairs, i.e., terminating the federal responsibility which was to be formalized by the Congress in H. Con. Res. 108 in 1953.

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[97] Annual Report of the Commissioner of Indian Affairs, 1935, p. 134.

[98] Wheeler-Howard Act (Indian Reorganization Act) June 18, 1934, Section 19, 48 Stat. 984.

[99] See footnote 95, *supra*.

C. DESCRIPTION OF TYPES OF SCHOOLS EDUCATING INDIAN PEOPLE

Schools During the Treaty-Making Period

The very first type of educational institution serving Indian people was the mission school. These schools were conducted under the auspices of individuals or groups affiliated with various denominations. Missionaries had been laboring for many years among the Indians before the formation of the United States, and they were the earliest Christianizing and civilizing influence on the tribes. Thus, it was sensible that the first formal plan for educating American Indians was a cooperative effort between the federal government and religious societies. Both had the same objectives which were ultimately directed towards integrating "civilized" Indians into the body of American society.[1]

In 1819, the United States Government established the Civilization Fund, which offered financial assistance to religious societies and individuals laboring among the Indian tribes. While the Fund was administered by the Indian Office of the War Department under specific rules and regulations, the actual operation of the Indian schools was left to the religious organizations. Funds were secured by submitting a formal request to the Indian Office, detailing what specific use was to be made of them. Upon approval of that office, an agreement was negotiated between the government and the benevolent society for payments of a specified sum to assist in the support of their establishment.

Several mission establishments were operating in Indian country in the early 1800's, and the numbers increased with the assistance of the Civilization Fund.[2] Notable among the religious societies receiving funds were:

American Board of Commissioners for Foreign Missions; Baptist General Convention; Hamilton Baptist Missionary Society; United Foreign Missionary Society of New York; Methodist Ohio Conference; United Brethren (Moravians); Synod of South Carolina and Georgia; Cumberland Missionary Society; Western Missionary Society; and Catholic Bishop of New Orleans.

Among the tribes who benefited from educational services provided in this manner were the Choctaws, Chickasaws, Creeks, Cherokees, Ottawas, Chippewas, Winnebagoes, Osages, Menomonies, Shawnees, Delawares, Munsees, Sioux, Wyandots, Pottawatomies, Quapaws, Seminoles, Miamies, Sacs, Foxes, and Stockbridge Indians.[3]

Mission schools received financial support from several sources, in addition to that available from the Civilization Fund. When laboring among tribes which had treaty relationships with the United States, the missions often had the benefit of farming and mechanical implements, domestic animals, and tradesmen sent by the government to the tribes in fulfillment of treaty obligations. Tribal annuities and education funds as stipulated in treaties were often applied for the support of mission establishments as well. Discretionary funds administered by the Indian Office also assisted the religious endeavors.[4] Another major source of revenue came from contributions from the religious associations and their membership, which provided pecuniary aid, as well as livestock, tools, and other real property for use in the work of Indian conversion.[5]

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[1] U.S. Congress, House, "Memorial of the American Board of Commissioners for Foreign Missions," Doc. No. 102, 18th Cong., 1st Sess., n.d., Cong. Serial Set #97.

[2] U.S. Congress, House, "Civilization of the Indians," H. Doc. No. 203, 27th Cong., 3d Sess., 1843, Cong. Serial Set #423.

[3] U.S. Congress, House, "Report on Repealing the Act of 1819, for the Civilization of Indians, etc," H. Rep. No. 854, 27th Cong., 2d Sess., 1842, Cong. Serial Set #410.

Thus, the mission establishment was a self-sustaining community which provided clothing, supplies, room and board when necessary, and instruction for the surrounding Indian community. Although it was usually centrally located to the community, the mission provided boarding facilities for those who lived too far to commute. The schools were sometimes strictly day or boarding schools, but often a combination of both.

The main objective of the government and religious "civilizing" efforts among the tribes was to change the Indian way of life, encourage them to become settled and to practice farming, and generally to discard their native customs and traditions in order to acquire the behavior and habits of white men. As part of this overall objective, the schools not only provided religious instruction, but also taught reading and writing in the English language and elementary arithmetic. Consonant with the guidelines of the Indian Office for use of Civilization Funds, they also incorporated a type of manual labor training into their plan of education. It became more and more common to have a farm attached to the school to provide the opportunity to teach the boys agricultural and mechanical arts and the girls domestic economy. An attempt was made to extend these benefits to the local population as well. However cognizant the religious groups were of the great cultural differences facing them, they seemed to overlook those aspects of Indian cultural traditions and social practices which sustained them as a people, and steadfastly pursued their work of conversion.

Forerunners to the Federal Indian School Service

The practice of sending Indian youths to boarding schools, distant from their home communities, was started in colonial times. In the seventeenth century, Indian boys were sent to Harvard, Dartmouth, and the College of William and Mary, and most private and mission schools had boarding facilities. The rationale behind this practice was that by removing them from tribal influences and customs, they would acquire civilized habits more quickly; and by providing educational opportunities for a few, the masses would be reached and induced to change under the influence of the returned scholars.

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[4] Section 13 of the Trade and Intercourse Act of 1802 (2 Stat., 139) provided an annual appropriation of $15,000 to be used to furnish the "friendly Indian tribes . . . with useful domestic animals and implements of husbandry, and with goods or money . . ." to promote their civilization.

[5] U.S. "American State Papers," 1815–1827, 19th Cong., 1st Sess. 1826, No. 240, Vol. 2, Indian Affairs.

Indian youths attended different types of boarding schools, varying in the level and type of instruction offered and in the manner in which the school was operated. The two major types of boarding schools were manual labor schools and industrial training institutions. Although seemingly very similar, these two types differ in a significant way. Manual labor schools operated upon the plan of education which combined literary study with daily chores related to the maintenance of the school and farm. Half of a day was usually given to academic instruction in reading, writing, and arithmetic, and sometimes in history, geography, and the sciences; while the rest of the day the students were responsible for performing duties such as farming, plowing, cleaning, cooking, sewing, laundering, caring for stock, and similar duties necessary for the successful operation of a small establishment. Manual labor training was considered very important for Indian children since it would prepare them for the kind of life which the government hoped they would one day pursue. Both mission schools and privately-operated boarding schools incorporated this plan to greater or lesser degrees. The practice became increasingly popular during the 1840's when the Indian Office was encouraging that Indian schools teach useful skills, conductive to an agricultural and settled way of life.[6]

Industrial training schools, as vehicles for educating Indians, developed somewhat later than manual labor schools, and became an integral part of the Indian school service by the 1880's. They were more sophisticated types of boarding schools in that they were larger, had more elaborate facilities, and provided more systematic training programs. Some of these schools were privately endowed and operated independently of the federal government, and others were state-supported institutions of higher learning. Industrial training schools offered the traditional academic instruction, but in addition included in their regular curriculum courses in industrial and mechanical arts, such as cabinet-making, carpentry, wheel-writing, horseshoeing, dairying, tailoring, weaving and other skills necessary to life in contemporary American communities. The objective of the industrial training school was to provide the student with a kind of vocational training in order to develop him or her as a skilled tradesman or craftsman. Both manual labor and industrial training schools grew out of the theory that what the Indian needed was to be exposed to the habits and practices of civilized life, which, once acquired, would enable him to move into the mainstream of American society. Industrial training schools made a more systematic attempt to accomplish this, as they actually employed skilled instructors to train and supervise the work of the students, as a part of the routine instruction.

Boarding schools, under government, private or sectarian management, remained the major education institutions for Indians throughout the nineteenth century. Some of the schools which the students attended had been established exclusively for them; others were prominent, established white colleges and academies in the United States. Here, the objective was to expose the Indian to civilized life by placing him in immediate contact with the white world, and to encourage him to learn a profession, such as medicine, law, or teaching. The schools were usually supported by a combination of public and private funds.

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[6] U.S. Office of Education, "Indian Education and Civilization," a report prepared in answer to Senate Res. of Feb. 23, 1885, by Alice C. Fletcher under the direction of the Commissioner of Education, Washington, D.C.: U.S. Government Printing Office, 1888 (Milwood, New York: Kraus Reprint Co., 1973), p. 166.

Similar to boarding schools, day schools had their beginning in the missionary efforts among Indians. As was mentioned earlier, many mission schools were located within Indian communities and provided educational services to the local population. Following removal, the Indian Office placed increasing emphasis on the establishment of neighborhood schools, believing this to be the best way to extend educational influences to youth and adults as well. In addition, it was believed that the parents would come to accept the idea of formal education more readily if their suspicions and unfamiliarity were removed, and their children could be kept close to home.[7]

Another early forerunner to federal day schools was the small local school (sometimes called a camp school) established at or near an Indian agency, which was supported from treaty funds of the tribe and operated under the management of a teacher commisisoned by the Indian Office. These schools developed as a result of general treaty obligations of the government to provide for the tribe, and were conducted under the auspices of Indian agents.[8] Many had farms attached to them so that instruction in manual labor would be available for the students.

Early day, or neighborhood schools as they were called, received government, tribal, and private support. Their objectives were similar to those of the mission and boarding schools—to encourage and sustain the adoption of the habits of civilized life in Indian youth. Their primary emphasis was to teach the rudiments of an English education, and to introduce their students to the idea of manual labor to whatever extent possible.

Development of the Federal Indian School System

The various types of educational institution gradually developed into what came to be known as the Indian School System. However, it was not uniform by any means, either in administration, operation, or management. The end of the treaty-making period had instigated a radical change in the federal involvement in Indian education. The first general appropriation for Indian education, not contingent on treaty obligations, appeared in the Indian appropriations act for fiscal year 1871.[9] Each year these general appropriations increased, specific appropriations were added, and treaty stipulations continued—all of which provided revenue for Indian schools. The number of day and boarding schools had increased greatly, and the Indian Office was supporting Indians in a variety of educational institutions.

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[7] *Ibid.*

[8] *Ibid.*, p. 167.

[9] U.S. "Statutes at Large," Vol. 16, 335. The following year, a provision was contained in the Indian Appropriations Act approved March 3, 1871 (16 Stat. 544) which discontinued treaty making as a government policy.

In 1885, the Superintendent of Indian Schools described the confusing state of affairs in his annual report. He commented:

> The existing system of Indian education was not thoughtfully prepared by wise statesmanship and then, with deliberation, put into operation by carefully considered legislation. It was evolved. The schools developed themselves one from another in gradual transition. But, unfortunately, the schools did not thus develop in accordance with the requirements of any law. Consequently, the school system which has resulted is not only imperfect when considered as a whole, but also defective in its parts.[10]

His report described the "machinery" of the system, which he classified under five categories: (1) Day Schools; (2) Boarding Schools on Reservations; (3) Boarding Schools Not on Reservations; (4) Training Schools; and (5) Other Schools.[11]

Three kinds of day schools were operating, each having more or less government support and supervision. Government day schools were entirely financed and operated by the government, in conjunction with the Indian agencies. Contract day schools were maintained by religious societies or private individuals, but the government paid tuition of Indian children attending on a per-capita basis. Located within the jurisdiction of the agencies, these schools reported to the Commissioner of Indian Affairs through the local Indian agent. Mission day schools educated Indian children at the total expense of religious associations, and so were entirely independent of the government regarding financial aid and supervision. They did, however, often report to the Commissioner concerning their progress in Indian education.[12]

Reservation boarding schools had multiplied and there were four kinds serving Indians. The Agency Boarding Schools were totally government-operated and financed by Congressional appropriations and Indian treaty funds. They were supervised by Indian agents, who reported on their operations to the Commissioner of Indian Affairs. Contract Boarding Schools and Mission Boarding Schools, located on reservations, were quite similar. Both were operated by religious societies or by individuals, having received authority from the Secretary of the Interior. Operational expenses for the schools were borne by the societies or other contractors.

Both received a per-capita rate for Indian children attending, but the mission boarding schools also received supplies, clothing, and subsistence materials, furnished through the agency. Finally, Independent Boarding Schools were established because the size of many reservations made it difficult for the agents to effectively supervise the operation of the schools. These schools were placed under bonded superintendents and reported directly to the Commissioner of Indian Affairs.[13]

The Off-Reservation Boarding Schools were of two types, neither of which was considered to be a strictly government school, as all were independent of Indian agencies and reported directly to the Commissioner of Indian Affairs. The first type, commonly referred to as "schools in the States and Territories," included industrial, mechanical, agricultural, or literary institutions, operating in the United States but not on Indian reservations, under the control of educational organizations, and enrolling white children as well as Indian pupils. A fixed rate of tuition was paid to these schools "for the care, support, and education of Indian pupils." [14] The other kind was established by religious organizations for the exclusive purpose of educating Indian children. These schools were under contract with the United States Government, which made payments for the education of the children from the general school appropriations of the Indian Department.[15]

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[10] U.S. Department of the Interior, "Annual Report of the Superintendent of Indian Schools to the Secretary of the Interior for the Year 1885," (Washington, D.C., U.S. Government Printing Office), p. 120. Hereinafter cited as "Annual Report of the Superintendent of Indian Schools for the Specified Year."

[11] It is important to note that each of these types of school is still in existence today.

[12] "Annual Report of the Superintendent of Indian Schools for the Year 1885," *supra* note 10, p. 109.

[13] *Ibid.*, pp. 109–110.

The fourth classification of Indian schools was the Training Schools, whose objective was to train the Indian students in crafts and trades. Some of these schools were established and supported wholly by the government out of special appropriations for the purpose, their superintendents being directly responsible to the Commissioner of Indian Affairs, to whom they were required to report. Other schools were established for general educational purposes by religious or educational organizations and received a per-capita payment for Indian students enrolled.[16]

Finally, the schools designated as "other" by the Indian School Superintendent included the schools of the Five Civilized Tribes in Indian Territory, which operated independently of the federal government and under the control of the tribes, and the schools for the New York Indians, which were controlled by the State.[17]

It is evident that the Indian school service presented a varied pattern of educational administration and management. In 1887, the Superintendent of Indian Schools reported on the Indian school statistics as follows: There were eleven government boarding schools under bonded superintendents. These included such schools as Chilocco, Albuquerque, Grand Junction, Carlisle, Genoa, Haskell, and Fort Hall, all of which were industrial training schools located either off reservations or very distant from agencies. Schools under the supervision of Indian agents included fifty-seven reservation boarding and ninety agency day schools. A total of seventy-three schools (fifty-two boarding and twenty-one day) were operating under contract with the Indian Bureau, managed either by religious organizations or by individuals. Contractors included the Bureau of Catholic Indian Missions, the American Missionary Association, the Board of Home Missions of the Presbyterian Church, the Protestant Episcopal Church, Mennonite Missions, the American Unitarian Association, and the presidents of the University of New Mexico and Howard University in the District of Columbia. Finally, seventeen mission schools were operating at the total expense of religious societies.[18]

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[14] U.S. "Statutes at Large," Vol. 23, 76. This Indian Appropriations Act for fiscal year 1885 included in the provisions for support of schools: "For care, support and education of Indian children at industrial, agricultural, mechanical, or other schools, other than those herein provided for, in any of the states or territories of the United States, at a rate not to exceed $167 for each child."

[15] Annual Report of the Superintendent of Indian Schools for the Year 1885," *supra* note 10, p. 110.

[16] *Ibid.*, p. 111.

[17] *Ibid.*

[18] "Annual Report of the Superintendent of Indian Schools for the Year 1887," *supra* note 10, pp. 6 and 42–50.

Appropriations for the various schools also exhibited a complex arrangement. Certain government boarding schools under bonded superintendents, such as Fort Hall, Fort Stevenson, and Fort Yuma, received support from the general appropriations for education, as did reservation day and boarding schools under Indian agents. Other institutions, such as Carlisle, Haskell, Chilocco, Salem, and Genoa, were supported by special appropriations, directed exclusively for their individual purposes. Similarly, some contract schools received special mention in the appropriations acts, such as Lincoln Institute in Philadelphia, Hampton, and St. Ignatius Mission School in Montana. Those not specifically mentioned received their funding from the general education appropriations. Such a diverse schedule of payment caused the Indian School Superintendent to report that "the systematic organization of the educational work of the Indian (is) an impossibility." [19]

Due to the lack of uniformity in administration, management, and operation of the Indian school system, there was no real delineation between the levels of instruction offered at the various types of schools. Children of all ages were enrolled at all types of schools, both on and off the reservations. The expressed purpose of the reservation day and boarding schools was to teach Indian children the rudiments of reading and writing, but to place stronger emphasis on manual labor and industrial training.[20] The stress in the school programs on learning the English language and becoming accustomed to manual labor often placed children of different ages on the same footing developmentally. Often when a child completed the requisite course work at one institution, it was difficult to direct him or her to the next step in the sequence. During the 1890's, the Indian Office sought to resolve these problems by establishing a uniform course of studies for Indian schools [21] and implementing a plan for systematic transferral of students from day schools to boarding schools and eventually to the large off-reservation boarding schools.[22]

The goal of the Indian school system had always been to provide a means for Indian people "to become an integral and harmonious part of this great nation." [23] However necessary the settlement of Indians on reservations had seemed, it became clear that this policy was not in line with the overall objective of the Indian Bureau to incorporate the Indians into the body of America. While the practice of sending Indian children to boarding schools to receive literary and industrial training attempted to prepare them for absorption into contemporary American life, it caused problems for them since they were forced to return to communities which were not only segregated from the white settlements, but also failed to provide any opportunity to actively involve them in the economic and community life of their tribes. Much of the Bureau's activities were directed towards dissolving the tribal relationship, changing the Indian way of life, and replacing it with the "white man's civilization." It was to achieve this purpose that the allotment system was proposed, and it became official policy with the passage of the Dawes Act in 1887.[24]

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[19] "Annual Report of the Superintendent of Indian Schools for the Year 1886," *supra* note 10, p. 27. See Appendix C for a chart of the yearly appropriations for special schools (i.e., off-reservation boarding schools and certain contract schools) for years 1883 through 1946.

[20] "Annual Report of the Superintendent of Indian Schools for the Year 1885," *supra* note 10, p. 108; Same for 1886, p. 33; 1887, p. 36; 1891, p. 485; 1895, p. 10; 1900, pp. 20-21.

[21] See Appendix D for an outline of the Course of Studies designed for use in Indian schools.

[22] "Annual Report of the Superintendent of Indian Schools for the Year 1896," *supra* note 10, p. 15.

[23] "Annual Report of the Superintendent of Indian Schools for the Year 1882," *supra* note 10, p. 1016.

In 1890, the Commissioner of Indian Affairs reported his desire to begin transferring Indian children to public schools. He commented:

> Believing that the true purpose of the Government in its dealings with the Indians is to develop them into self-supporting, self-reliant, intelligent, and patriotic citizens, and believing that the public schools are the most effective means of Americanizing our foreign population, I am desirous of bringing the Indian school system into relation with that of the public schools. Not only so, but wherever possible I am placing Indian pupils in the public schools.[25]

The Commissioner reported that he had contacted several states and territories having large Indian populations under federal supervision and requested that their superintendents of public instruction cooperate with the federal government in the education of their Indian children. He offered to negotiate contracts with local school districts for educating the Indians in their regions at the rate of $10 per quarter for each child.[26]

The movement toward public schools received the full support of the Indian School Superintendent who commented in his 1894 annual report:

> the main aim of my work must be to render the specific Indian school unnecessary as speedily as possible, and to substitute for it the American public school. This is in line with the enlightened policy that labors to do away with tribal life, reservations, agencies, and military posts among the Indians. It is in full accord with the desire of the nation to do away with the Indian problem by assimilating the Indians in the body politic of the United States.[27]

He further recommended:

> that the Indian Office should continue and emphasize its efforts to secure contracts for the education of Indians in public schools with the authorities of district schools and town schools located near the homes of children of day-school age, and with the authorities of town or city high schools or suitable state institutions for advanced Indian youth.[28]

As the need and desire to integrate Indian children with white students continued, several policies were adopted by the Indian Office to facilitate and foster this arrangement.

First, as just mentioned, the Indian Commissioner began to work with state school superintendents to secure their cooperation in the effort. If more local school districts could be persuaded to accept Indian students, the immediate responsibility of the federal government to operate a separate Indian school system would diminish. It appears that the government was willing to maintain a financial responsibility for non-taxpaying Indians, by offering to pay tuition for their children in public schools. The allotment of tribal lands facilitated this arrangement. As Indian and white settlements became more and more integrated, the Indian Office encouraged the establishment of district and neighborhood schools in those communities.[29]

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[24] U.S. "Statutes at Large," Vol. 24, 388.

[25] U.S. Department of the Interior, "Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1890," p. XIV. Hereinafter cited as "Annual Report of the Commissioner of Indian Affairs" for the specified year.

[26] See Appendix E for a letter from the Commissioner of Indian Affairs to several State Superintendents of Public Instruction requesting their cooperation in Indian education.

[27] "Annual Report of the Superintendent of Indian Schools for the Year 1894," *supra* note 10, p. 4.

[28] Ibid, p. 6.

Second, the Indian Office began to advocate for the admission of white students into government schools. It seemed to be an easy way to integrate the two cultures, without having to secure the permission or face the prejudice of the local population for Indian education. The Superintendent of Indian Schools had commented on the difficulty of transferring the work of Indian education to state control in his report in 1895:

> . . . even in these instances state officials, as well as the people of these States, still labor largely under the impression that the Indians are foreigners rather than citizens, and that the entire responsibility for this work rests upon the General Government.[30]

The practice had actually been allowed for several years before a provision was inserted in the appropriations acts.[31] In the Indian Appropriations Act for fiscal year 1910, approved March 3, 1909, the provision read:

> *Provided further*, That hereafter white children may, under rules prescribed by the Commissioner of Indian Affairs, be admitted to Indian schools on the payment of tuition fees at a rate to be fixed in said rules: *Provided further*, That all tuition fees paid for white children on enrollment shall be deposited in the hands of the Treasurer to reimburse the funds out of which the school is supported.[32]

Third, in the first decade of the twentieth century, the Indian Office began to transfer certain federal facilities over to States for use in education of Indian and white children. As provided by the appropriations act of March 3, 1909, four federal facilities were turned over to the States of Utah, Minnesota, South Dakota, and Colorado, with the provision:

> . . . that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils. . . .[33]

Statistics of Indian schools for the year 1909 show that Indian students attended public schools under contract with the Indian Office in four States, i.e., California, Nebraska, South Dakota, and Utah. These contracts provided tuition for the education of 114 children in 9 school districts in those four States. However, these statistics do not reflect the attendance of Indian children at public schools not under Government contract. Eight hundred eighteen Indian children attended public schools in 107 local districts in the States of California, Kansas, Michigan, Minnesota, Montana, Nebraska, Oklahoma, Oregon, South Dakota, Washington, and Wisconsin.[34]

In discussing the progress of the movement to integrate Indian children into public schools, the Commissioner of Indian Affairs reported in his annual report for 1910:

> . . . during the last year about 3,000 Indian pupils were enrolled in the public schools. . . . The office is willing to pay a per capita tuition equal to the amount

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[29] "Annual Report of the Superintendent of Indian Schools for the Year 1905," *supra* note 10, p. 20.

[30] "Annual Report of the Superintendent of Indian Schools for the Year 1895," *supra* note 10, pp. 3–4.

[31] "Annual Report of the Commissioner of Indian Affairs for the Year 1909," *supra* note 25, p. 18.

[32] U.S. "Statutes at Large," Vol. 35, 781.

[33] *Ibid.*

[34] "Annual Report of the Commissioner of Indian Affairs for the Year 1909," *supra* note 25, pp. 84–86.

> apportioned by the State or county per pupil for all Indian pupils enrolled in the public schools whose parents are not taxpayers.
>
> As the districts in which Indian reservations are situated become more thickly settled the distribution of public schools is going to be much more extensive, and the opportunities for the Indians to attend public schools will be greatly increased.[35]

It is obvious that this movement contained the roots of the eventual adoption of the Johnson-O'Malley Act, which allowed states to contract with the federal government for education of their Indian citizens. With the passage of the Citizenship Act in 1924,[36] all Indians were made citizens of the United States, and consequently, citizens of the states in which they resided. Given this legal status, it was logical that the federal government would look for greater state cooperation for Indian education, since it was a responsibility of each state to provide education for its citizens. In addition, it facilitated assimilation of Indians into American life, as well as helped to relieve the federal government of direct responsibility for Indian education.

It appears that from earliest times the educational institutions serving Indian people have operated either apart from or in opposition to (or both) Indian cultural and community development. Again and again government officials declared that the Indian must be changed in order to become part of the American society. Continuously, they neglected to utilize the possibility of working within existing Indian social and political institutions and legal systems to assist them in adapting to the dominant culture. Thus there has been no systematic effort to preserve those traditions, customs and societal structures supportive of Indian culture and expressive of Indian identity.

The boarding school is perhaps the most striking example of this tragic neglect. But, it is apparent also in laws for compulsory school attendance,[37] standards for uniform dress, strict rules for militaristic discipline and stringent behavior patterns, and forced use of the English language both in and out of school.

As reiterated by nearly every government official since President Washington, the ultimate goal of the government in its Indian relations was their eventual assimilation into the body of America—on white man's terms. The Indian school system was seen as a means to this end, and it was hoped that subsequently federal schools would no longer be necessary as Indians would be attending public schools just as other citizens of the United States.

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[35] "Annual Report of the Commissioner of Indian Affairs for the Year 1910," *supra* note 25, p. 15.

[36] U.S. "Statutes at Large," Vol. 43, 253.

[37] Laws for compulsory school attendance were included in various appropriations acts in the 1890's as the Indian Office attempted to strengthen its regulations in this regard. In 1891, the Indian Appropriations Act authorized the Commissioner of Indian Affairs "Make and enforce . . . such rules and regulations as will secure the attendance of Indian children . . . at schools . . ." (26 Stat. 989). In 1893, another provision was included in the Appropriations Act which permitted the Secretary of the Interior to withhold rations and other supplies and annuities from Indian families who would not send their children to school (27 Stat. 612). However, this was to apply only to children attending reservation schools, as the following year the Appropriations Act incorporated a provision disallowing the removal of Indian children to schools outside their reservations and it forbade any attempt to influence parental consent in this matter by withholding rations or annuities (28 Stat. 286).

D. AN HISTORICAL VIEW OF FEDERAL APPROPRIATIONS FOR INDIAN EDUCATION

Federal Financing for Indian Education During the Treaty-Making Period

Because of the nature of the relationship between the federal government and Indian tribes during the treaty-making era, a large portion of federal financial support for Indian education derived from treaty obligations to provide educational services. Federal involvement was characterized more by idiosyncratic agreements with various tribes, than by a comprehensive and standard program for educating Indians. There is a conspicuous lack of substantive legislation concerning Indian education in the nineteenth and early twentieth centuries. Only two laws were enacted in the 1800's which can be considered to provide direct Congressional authorization for federal involvement in Indian education and which permit appropriations for that purpose.

The first piece of substantive legislation to authorize federal involvement and to commit federal funds for educationally-related services for Indian people was the Trade and Intercourse Act of 1802.[1] Section 13 provided that $15,000 would be annually appropriated "in order to promote civilization among the friendly Indian tribes."[2] The act empowered the President to provide the tribes with domesticated animals, agricultural and industrial tools, money, supplies, and other materials to encourage them to become settled in their ways. It also authorized him to appoint temporary agents to live among them, who were charged with disbursing funds and supplies, as well as supervising the work of the Indians. The $15,000 fund was used for a variety of purposes in addition to those mentioned in the law. It was sometimes used to contribute partially to the support of mission schools under agency jurisdiction or to employ instructors to train the Indians in several trades.[3]

A second piece of legislation was enacted in 1819, in which the Congress clearly established a federal responsibility for Indian education. The Act of March 3, 1819, organized the Civilization Fund, an annual appropriation of $10,000 to be used "for the purpose of providing against the further decline and final extinction of the Indian tribes, adjoining the frontier settlements of the United States, and for introducing among them the habits and arts of civilization."[4] The Secretary of War was charged with administering the fund, and in 1819 he issued a circular soliciting applications from religious societies and interested individuals for financial assistance in their Indian work.[5] In it he included guidelines for use of the fund which required that:

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[1] U.S. "Statutes at Large," Vol. 2, 139. Felix Cohen states that this act was considered to be the first Congressional indication that there was a federal responsibility for educating Indians, and it remained so until the passage of the Act of March 3, 1819, establishing the Civilization Fund (U.S. Department of the Interior, Office of the Solicitor, "Handbook of Federal Indian Law," edited by Felix S. Cohen (Washington, D.C., Government Printing Office, 1942). Hereinafter cited as Cohen, "Federal Indian Law."

[2] The term "civilization" was used by the Indian Department to refer to whatever practices were necessary to lead the tribes to adopt white ways and encourage them to become settled, in order to facilitate their integration into the dominant society. These practices included providing an elementary English education as well as the instruction in manual skills and trades of the times. In this context, civilization would be equivalent to education, but perhaps a better term would be acculturation.

[3] By an Act of May 6, 1882 (3 Stat. 682) the Trade and Intercourse Act of 1802 was amended to require a reporting of the accounts of those agents who disbursed money, goods or other benefits to the Indians. These records show that money from several sources, including the Civilization Fund and treaty funds were used for many educational purposes.

> . . . the plan of education, in addition to reading, writing, and arithmetic, should, in the instruction of boys, extend to the practical knowledge of the mode of agriculture, and of such of the mechanic arts suited to the condition of the Indians; and in that of the girls, to spinning, weaving, and sewing.[6]

Additional regulations were issued by the War Department on February 29, 1820, which included departmental approval for any construction costs and a schedule of payment for those; restrictions on tuition payments according to numbers of pupils actually attending and the success of the establishment; and reporting requirements for keeping superintendents or principals accountable for proper use of the funds.[7]

Eventually, the Civilization Fund was used to support several educational establishments among the Indian tribes which were operated by religious denominations. It was also used to pay the tuition of Indian students at institutions of higher education in Ohio, Alabama, Connecticut and other states, and to support Indian students at private institutions and academies.[8]

The Civilization Fund was repealed by an act of February 14, 1873,[9] however, more than once over the years Congress had questioned its effectiveness and had sought to abolish it. In 1842, the House Committee on Indian Affairs reported against a proposal to repeal the act and presented a revealing justification:

> The authors of this system of policy were well acquainted with the character of the Indians, the causes of their decline, and the means of preventing it. They

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[4] U.S. "Statutes at Large," Vol. 3, 516. This Act establishing the Civilization Funds illustrates the use of the term "civilization" by the Indian Department: ". . . to employ capable persons of good moral character, to instruct them in the mode of agriculture suited to their station; and for teaching their children in reading, writing and arithmetic and performing such other duties as may be enjoined . . ."

[5] U.S. Congress, House, "A Report on the Progress Which Has Been Made in the Civilization of the Indian Tribes," Doc. No. 46, 16th Cong., 1st Sess., 1820, Cong. Serial Set #33. See also, U.S., "American State Papers," 1815–1827, 16th Cong., 1st Sess., No. 162, Vol. 2, Indian Affairs; and U.S. Annals of Congress, 16th Cong., 1st Sess., 1820, House of Representatives, January, 1820, 915.

[6] *Ibid.*

[7] U.S. Congress, House, "A Report of the Expenditures Made Under the Act To Provide for the Civilization of the Indian Tribes," H. Doc. No. 34, 17th Cong., 1st Sess., 1822, Cong. Serial Set #65. See also U.S., "American State Papers, 1815–1827," 17th Cong., 1st sess., No. 180, Vol. 2, Indian Affairs.

[8] U.S. Congress, House, "Civilization of the Indians," H. Doc. No. 203, 27th Cong., 3d sess., 1843, Cong. Serial Set #423. Examples of the higher education institutions are: Castleton Academy, Vermont; Choctaw Academy, Kentucky; Kenyon College, Ohio; Cornwall School, Connecticut; Mohegan School, Norwich, Conn.; Lagrange College, Alabama; Dartmouth College, New Hampshire; and Troy Conference Academy, Vermont.

[9] U.S. "Statutes at Large," Vol. 17, 437. It is important to note that another fund had been established in 1865 which was also referred to as a "civilization fund." The treaty with the Osage Nation, negotiated September 29, 1865, contains the following provision in Article 1:

"In consideration of the grant and sale to them of the above-described lands after reimbursing the United States the cost of said survey and sale, and the said sum of three hundred thousand dollars placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the Treasury of the United States to the credit of the 'civilization fund,' to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States." (U.S. Stat. L., Vol. 14, 687.)

See also U.S. Department of the Interior, "Annual Report of the Superintendent of Indian Schools for the Year 1885," p. 79. Hereinafter cited as "Annual Report of the Superintendent of Indian Schools for the Specified Year."

> regarded the introduction of civilization amongst them as the only means of saving from extinction the remnant of tribes which wars and wants and vices had spared. This they endeavored to effect by providing them with clothing, domestic animals, implements of husbandry, and teachers to instruct them in the arts of civilized life.[10]

Apart from revenue generated by specific Congressional authorization, the federal government also appropriated educational funds in accordance with treaty obligations to the Indian tribes.[11] The proceeds of money from land transactions were either deposited in banks, invested in stocks and bonds, or held in trust by the Secretary of the Interior. The treaty funds were used to provide the tribes with teachers and school-houses for educating their children; agricultural and mechanical tools and instructors to train them in their use; or annuities to be used for promoting educational endeavors.

The earliest treaty to mention education and civilization of any type was the Treaty with the Oneida, Tuscarora, and Stockbridge Indians, negotiated on December 2, 1794. Article III stated:

> The United States will provide, during three years after the mills shall be completed, for the expense of employing one or two suitable persons to manage the mills, to keep them in repair, to instruct some young men of the three nations in the arts of miller and sawyer, and to provide teams and utensils for carrying on the work of the mills.[12]

Subsequently, numerous treaties were negotiated which demonstrated very clearly the desire of the federal government to civilize the Indians through education.[13] The treaty stipulations provided for different types of education; for construction and support of schools; for salaries of teachers; for supplies and books; and for limited or permanent funds to be used by the tribes for educational purposes.

Several treaties which mentioned education not only provided for the construction and maintenance of schools at government expense, but also promised to provide teachers' salaries, books, and supplies. In 1855, treaties were negotiated with the Yakimas and with the Nez Perces, both of which contained identical language providing for education. Article 5 of both treaties states:

> The United States further agree to establish, at suitable points within said reservations, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping the same in repair, and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of said tribe, and to employ one superintendent of teaching and two teachers: . . . The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.[14]

Similarly, in 1867 and 1868, nearly identical provisions were included in treaties with several tribes, promising a teacher and a schoolhouse for every thirty children. The treaties with the Sioux, Navajo, Crow, Cheyenne, Arapaho, Kiowa, Commache, Ute, and Eastern

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[10] U.S. Congress, House. "Report on Repealing the Act of 1819, for the Civilization of the Indians, etc.," H. Rept. No. 854, 27th Cong., 2d sess. 1842. Cong. Serial Set #410.

[11] For several years before the enactment of a general education fund, the Civilization Fund, discretionary departmental funds, and treaty stipulations were the major sources of federal revenue for Indian education.

[12] U.S. "Statutes at Large," Vol. 7, 47.

[13] See **Appendix G** which lists the numerous treaties which contained educational stipulations.

[14] U.S. "Statutes at Large," Vol. 12, 951 (Treaty with the Yakima Nation, June 9, 1855) and U.S. "Statutes at Large," Vol. 12, 957 (Treaty with the Nez Perce Tribe, June 11, 1855).

Shoshone and Bannock tribes contained education provisions which generally read:

> In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.[15]

The dual emphasis of the Indian Office was to teach the Indians to read and write in the English language and to learn to work as white men did. Thus, the treaties emphasized literary instruction as well as industrial and agricultural training, as illustrated previously. Manual-labor schools were also promoted, as demonstrated in the Treaty with the Menominee of October 8, 1848, Articles 4 and 5:

> In further and full consideration of said cession, the United States agree to pay the sum of three hundred and fifty thousand dollars, at the several times, in the manner, and for the purposes following viz:
>
> . . . to be laid out and applied, under the direction of the President, in the establishment of a manual-labor school, the erection of a grist and saw mill, and other necessary improvements in their country, fifteen thousand dollars . . .
>
> It is stipulated and agreed, that the sum now invested in stocks, under the Senate's amendment to the treaty of 1836, with the interest due thereon at this time, shall be and remain invested, under the direction of the President, and that the interest hereafter arising therefrom shall be disposed as follows: that is to say, so much thereof as may be necessary to the support and maintenance of the said manual-labor school, and other means of education.[16]

Several treaties were enacted in 1854 and 1855 with the tribes in the Washington Territory.[17] An agency was established in the Puget Sound area for such tribes as the Quinaielt, Quillehute, Makah, S'Kallam, Dwamish, Squamish, Nisqually, Puyallup, and other allied and confederated tribes and bands. Similar provisions were inserted in the treaties with each of these tribes which generally agreed to furnish them agricultural and industrial schools, as well as teachers teachers and supplies:

> The United States further agree to establish at the general agency for the district of Puget Sound, within one year from the ratification hereof, and to support for a period of twenty years, an agricultural and industrial school, to be free to the children of the said tribes and bands in common with those of the other tribes

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[15] U.S. "Statutes at Large," Vol. 15, 581 (Treaty with the Kiowa & Comanche Tribes, October 21, 1867); U.S. "Statutes at Large," Vol. 15, 593 (Treaty with the Cheyenne and Arapahoe Tribes, October 28, 1867); U.S. "Statutes at Large," Vol. 15, 619 (Treaty with the Ute Tribe, March 2, 1868); U.S., "Statutes at Large, Vol. 15, 635 (Treaty with the Sioux Nation and Arapahoe Tribe, April 29, 1868); U.S. "Statutes at Large," Vol. 15, 649 (Treaty with the Crow Tribe, May 7, 1868); U.S. Statutes at Large," Vol. 15, 655 (Treaty with the Northern Cheyenne and Northern Arapahoe Tribes, May 10, 1868); U.S. Statutes at Large," Vol. 15, 667 (Treaty with the Navajo Nation, June 1, 1868); U.S. "Statutes at Large," Vol. 15, 673 (Treaty with the Eastern Shoshone and Bannock Tribes, July 3, 1868).

[16] U.S. "Statutes at Large," Vol. 9, 952.

[17] U.S. "Statutes at Large," Vol. 12, 971 (Treaty with the Quinaielt and Quillehute Tribes, July 1, 1855); U.S. "Statutes at Large," Vol. 12, 939 (Treaty with the Makah Tribe, January 31, 1855); U.S. "Statutes at Large," Vol. 12, 933 (Treaty with the S'Kallams, Skokomish, Toanhooch and Chemakum Tribes, January 26, 1855); U.S. "Statutes at Large," Vol. 12, 927 (Treaty with the Dwamish, Suquamish and other tribes, January 22, 1855); U.S. "Statutes at Large," Vol. 10, 1132 (Treaty with the Nisqually, Puyallup, and other tribes, December 26, 1854).

> of said district, and to provide the said school with a suitable instructor or instructors, and also to provide a smithy and carpenter's shop, and furnish them with the necessary tools and to employ a blacksmith, carpenter, and farmer for a term of twenty years, to instruct the Indians in their respective occupations . . .

Although many treaties were very specific about the type of educational services which the government would provide, others simply made general provisions for purposes of education, designating a certain amount or creating a fund to fulfill the obligations. Several different procedures were employed by the Indian Department in managing and disbursing educational treaty funds and annuities of the tribes.

Frequently, the United States agreed to provide annuities; that is, periodic payments of a specified sum for a certain number of years or at the discretion of the Congress or President to be used for educational purposes for the tribe. In 1832, a treaty with the Potawatomies of Indiana and Michigan provided in Article 4:

> The United States agree to appropriate, for the purpose of educating Indian youths, the annual sum of two thousand dollars, as long as the Congress of the United States may think proper, to be expended as the President may direct.[18]

The treaty with the Blackfeet, Flathead, and Nez Perces tribes of October 17, 1855, also promised annual payments for education in Article 10:

> The United States further agree to expend annually, for the benefit of the aforesaid tribes of the Blackfeet Nation, a sum not exceeding fifteen thousand dollars annually, for ten years, in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and in any other respect promoting their civilization and Christianization.[19]

Sometimes educational annuities would be designated for specific purposes, such as salaries of teachers. The Treaty of Dancing Rabbit Creek (September 27, 1830) with the Choctaws stipulated in Article 20:

> The United States agree and stipulate as follows. . . . fifty thousand dollars (viz.) twenty-five hundred dollars annually shall be given for the support of three teachers of schools for twenty years.[20]

Often, the terms of the treaties designated that the proceeds from the land transactions would be deposited in the United States Treasury to the credit of the tribes and paid in incremental sums, under the direction of the President or Congress and in cooperation with the tribes, for educational purposes: Article 2 of the Treaty of July 31, 1855, with the Ottawa and the Chippewa Indians of Michigan contained such a stipulation:

> The United States will also pay to the said Indians the sum of five hundred and thirty-eight thousand and four hundred dollars, in the manner following, to wit:
>
> First. Eighty thousand dollars for educational purposes to be paid in ten equal annual installments of eight thousand dollars each, which sum shall be expended under the direction of the President of the United States; and in the expenditure of the same, and the appointment of teachers and management of schools, the Indians shall be consulted, and their views and wishes adopted so far as they may be just and reasonable.[21]

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[18] U.S. "Statutes at Large," Vol. 7, 399 (October 27, 1832).

[19] U.S. "Statutes at Large," Vol. 11, 657.

[20] U.S. "Statutes at Large," Vol. 7, 333.

[21] U.S. "Statutes at Large," Vol. 11, 621.

A common practice in providing for education for the Indian tribes had been to create a fund to be used for school purposes, which would utilize the interest on funds invested in banks, or in stocks and bonds. A treaty negotiated with the Cherokees on December 29, 1835, established a school fund in Article 10:

> . . . the sum of one hundred and fifty thousand dollars in addition to the present school fund of the nation shall constitute a permanent school fund, the interest of which shall be applied annually by the council of the nation for the support of common schools and such a literary institution of a higher order as may be established in the Indian country.[22]

The Treaty of May 6, 1854, organized the Delaware school fund in Article 7:

> It is expected that the amount of moneys arising from the sales herein provided for will be greater than the Delawares will need to meet their current wants; and as it is their duty, and their desire also, to create a permanent fund for the benefit of the Delaware people, it is agreed that all the money not necessary for the reasonable wants of the people, shall from time to time be invested by the President of the United States, in safe and profitable stocks, the principal to remain unimpaired, and the interest to be applied annually for the civilization, education, and religious culture of the Delaware people, and such other objects of a beneficial character, as in his judgment, are proper and necessary.[23]

Periodically, a treaty would reserve a section of land to be sold specifically for generating a school fund. The proceeds would be either invested or held in the United States Treasury to the credit of the tribe on whose behalf the agreement was made. The Treaty with the Osage of June 2, 1825, provided in Article 6:

> And also fifty-four other tracts, of a mile square each, to be laid off under the direction of the President of the United States, and sold, for the purpose of raising a fund to be applied to the support of schools, for the education of the Osage children, in such manner as the President may deem most advisable to the attainment of that end.[24]

Appendix G lists the treaties neotiated with the Indian tribes, between 1794 and 1868, which contain education stipulations. To be sure, a large portion of the revenue used for support for Indian schools before the 1870's came from these treaty funds. As a matter of fact, because the stipulations made for use of the funds, this was the only way in which they were legally available.[25]

However, many treaty provisions for education were never effective since Congress failed to appropriate the funds to fulfill those obligations.[26] If educational services provided by the federal government in accordance with treaty obligations for which any appropriations were made were tabulated, it would be apparent that these appropriations were far fewer than the obligations listed in Appendix G,[27] page 314.

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[22] U.S. "Statutes at Large," Vol. 7, 478.

[23] U.S. "Statutes at Large," Vol. 10, 1048.

[24] U.S. "Statutes at Large," Vol. 7, 240.

[25] "Annual Report of the Superintendent of Indian Schools for the Year 1886," *supra* note 9, p. 35; and U.S. Office of Education, "Indian Education and Civilization," a report prepared in answer to Senate Resolution of February 23, 1885 by Alice C. Fletcher under the direction of the Commissioner of Education, Washington, D.C.; U.S. Government Printing Office, 1888 (Millwood, New York; Kraus Reprint Co., 1973), p. 166.

[26] "Annual Report of the Superintendent of Indian Schools for the Year 1885," *supra*, note 9, p. 83.

[27] A table could be compiled on the basis of the Annual Appropriations Statements made by the Clerks of the House of Representatives and the Senate for the years 1840 through 1916 and 1943 through 1950, and the Annual Indian Appropriation Acts compiled for the use of the Department of the Interior for the years 1917 through 1942.

Education funds arising from treaty obligations were utilized and disbursed in several ways, most notably by creating educational funds from investing the proceeds of land sales, and by paying annuities (i.e., annual installments of federal appropriations) for schools or related purposes. While agreements for educational services arose primarily out of land transactions and negotiations during the treaty-making era, there was an element of moral obligation behind the approach of the federal government in providing those services.

In 1884, the Secretary of the Interior stated his view of the obligation of the federal government to fulfill its treaty responsibilities for education:

> It is not a gratuity, but a debt due the Indians, incurred by the Government on its own motion and not at the request of the Indians.[28]

Similarly, the Superintendent of Indian Schools remarked in 1887:

> . . . having made it impossible for them to obtain a living by pursuits in which they by long training had become wonderfully expert, we are bound by every sentiment of humanity and justice to teach them how to obtain a livelihood under the new conditions by which we have surrounded them.[29]

The end of the treaty-making period marked a change in the federal role in Indian education. The development of the Indian school service raised the issue as to how far to extend those services. As early as 1882, the Inspector of Indian Schools stated:

> . . . aside from our treaty obligations, which only extend to a part of the tribes, we are under moral obligations to give to all the best means of education, because, as already said, our system of settling up the country is taking from them their original means of living.[30]

As the need for more facilities became apparent, the education budget of the Indian Bureau increased as it tried to accommodate the ever-growing Indian student population. The Superintendent of Indian Schools recommended in 1889:

> . . . in distributing these schools, the Government should make no discrimination between the different tribes. Irrespective of treaty obligation, every tribe, alike, should be offered the privilege of educating their children, and be compelled to accept it.[31]

Nevertheless, as most of the school provisions of the treaties expired by limitation and treaty funds of several tribes were capitalized and disbursed in per-capita payments, the statutory effect of the treaty stipulations diminished. However, a few treaty provisions continued to appear in the annual appropriations acts as late as the 1940's.

Other types of tribal funds became a source of revenue for Indian school purposes. One major source of these which was directed for educational (and other) purposes of a tribe was the revenue derived from Indian reservations, schools, and agencies, the receipt of which did not result from Indian labor.[32] These funds, curiously called

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[28] "Annual Report of the Superintendent of Indian Schools for the Year 1885," *supra*, note 9, p. 83.

[29] "Annual Report of the Superintendent of Indian Schools for the Year 1887," *supra*, note 9, p. 37.

[30] "Annual Report of the Inspector of Indian Schools for the Year 1882," *supra* note 9, p. 1016.

[31] "Annual Report of the Superintendent of Indian Schools for the Year 1889," *supra* note 9, p. 275.

[32] U.S. "Statutes at Large," Vol. 22, 590 (Act of March 3, 1883), as amended by U.S. "Statutes at Large," Vol. 24, 463 (Act of March 2, 1887); U.S. "Statutes at Large," Vol. 44, 560 (Act of May 17, 1926); U.S. "Statutes at Large," Vol. 45, 986, 991 (Act of May 29, 1928).

"Indian moneys, proceeds of labor," were permitted to be expended "in the discretion of the Secretary of the Interior, for the benefit of the Indian tribes, agencies, and schools on whose behalf they are collected, subject, however, to the limitations as to tribal funds imposed by Section 27 of the Act of May 18, 1916.[33]

Financing Indian Education Between 1870 and 1950

Following the end of the treaty-making period and the increased federal involvement in Indian education in the 1870's, the Congress began to appropriate a yearly fund for general educational purposes for Indians. This general education fund as it was called was the major source of revenue for support of federal day schools, boarding schools on the reservations, and children at mission and contract schools. Off-reservation boarding schools and the large industrial training schools received special mention in the appropriations acts and there was a provision which excluded them from sharing in the general fund.[34]

For several years, the obligations of the federal government to fulfill treaty stipulations with various tribes were itemized in the appropriations acts. Since many of these contained educational services, they too received specific appropriations. However, many of these included provisions limiting the number of years for which they would be available. Thus, the federal government found itself gradually assuming more support for these services from the general education fund, since there was no other financial alternative, given the economic condition of the tribes.[35]

In addition to these funds, the Congress made provisions for "support and civilization" for individual tribes or for tribes living in a certain territory. Because of the nature of the Indian service and its pervasive influence on all aspects of Indian life, these funds (as well as the contingent expenses of the Department), necessarily contributed to the educational work of the Bureau. These funds were used for providing tools and machinery for agricultural and industrial work at the agencies; for maintenance of buildings for schools and agency purposes; and for equipment, supplies, clothing, and food for Indians of all ages. Education was interwoven through many of the Bureau's activities, thus supportive revenue came from several sources.[36]

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[33] Cohen, "Federal Indian Law," *supra* note 1, pp. 342–43; U.S. "Stat. L., Vol. 39, 159. For a listing of the educational funds arising under this legislation, see Chart H, Support of Schools: Tribal funds.

[34] In 1883, the technical language in the Indian Appropriations Act providing for the general education fund inserted the phrase "not hereinafter provided for" (22 Stat. 433), which remained a part of the yearly provision in subsequent statutes. The purpose was to restrict the expenditure of the general fund to day and boarding schools, not specifically mentioned in the Act. Schools like Chemawa, Genoa, Chilocco, Carlisle, Hampton, Haskell and other large industrial training schools (usually off reservations) were mentioned specifically and received large yearly appropriations. The Indian Appropriations Act for fiscal year 1915 again included the following provision: *"Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made." (38 Stat. 582.)

[35] In negotiating treaties, the government had assumed that after a certain number of years of federal support, the tribes would be ready to conduct their own affairs and become actively involved in American society, with concomitant privileges and duties. This however was not the case. The peculiar political and legal status of the tribes, as well as their economic condition, made it difficult for them to support and direct their own development. Recognizing this fact, the Department sustained its support. The Appropriations Act for fiscal year 1885 inserted the clause, "in pursuance of treaty obligations" (23 Stat. 76). A permanent provision was included in 1936 which added "educational facilities authorized by treaty provisions" (49 Stat. 1757) to the general educational provisions.

[36] The term "subsistence supplies" was used by the Superintendent of Indian Schools in his annual report for 1885 to refer to those provisions used particularly in boarding schools, the purchase of which was made "with money appropriated under other than educational provisions of the Indian treaties". ("Annual Report of the Superintendent of Indian Schools for the year 1885," *supra* note 9, p. 84).

In 1870, Congress made the first general appropriation for school purposes for Indian tribes. $100,000 was appropriated for the fiscal year 1871 "for the support of industrial and other schools among the Indian tribes not otherwise provided for, to be expended under the direction of the Secretary of the Interior." [37] This provision marked a new approach for the Indian Department since, prior to its enactment, the only strictly educational funds available were those arising from treaty obligations or from the Civilization Fund. The federal responsibility was shifting from scattered support to more extensive involvement in providing educational services to all Indian children within the jurisdiction of the United States.[38] The balance of this appropriation was re-appropriated in 1872 for fiscal year 1873, to be used at the discretion of the Secretary of the Interior.

However, it was not until 1876 that an annual appropriation for general educational purposes was initiated. The provision which appeared that year was "for the support of industrial schools and other educational purposes for the Indian tribes." [39] This basic provision appeared every year thereafter, with several modifications and provisos inserted at various times, until 1950.[40]

The language of the appropriations statute was modified slightly in 1884 to include day schools in the general education fund. That year $510,000 was appropriated "for support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, and in pursuance of treaty obligations." [41]

In 1885, the appropriations for support of schools included a provision which required the Secretary of the Interior to report annually, by the first Monday in December, "in what manner and for what purposes the general education fund for the preceding fiscal year has been expended." [42] Generally, the fund was used for salaries of teachers and employees at the federal day and industrial schools, as well as their subsistence needs; clothing, supplies, and rations for the students; agricultural and mechanical supplies; and support and tuition for children attending contract schools.[43]

By 1893, the general education fund had grown to $1,075,000, of which $150,000 was directed to "be expended in the establishment and support of primary day schools upon or near Indian reservations in addition to the day schools already established." [44]

From time to time, the costs of construction, maintenance and repair of buildings, and the purchase of stock for schools were included in the total amount for general education purposes. In 1896, the act making appropriations for the Indian Department separated the general education fund from the moneys designated for construction costs and purchase of livestock.[45]

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[37] U.S. "Statutes at Large," Vol. 16, 335.

[38] "Annual Report of the Superintendent of Indian Schools for the Year 1885," *supra* note 9, p. 90.

[39] U.S. "Statutes at Large," Vol. 19, 176. Until 1884, when the format of the Appropriations Act was changed and a separate category was included entitled "For Support of Schools" (23 Stat. 76), the general education clause was inserted among numerous miscellaneous provisions.

[40] The basic format of the Indian Appropriations Act underwent several changes over the years, thus making it difficult to study educational appropriations in an easy and consistent manner. In 1950, however, the format was revised so substantially that after that year, it is impossible to determine any breakdown in educational funds since they are included in gross totals along with health and welfare services. For a listing of the annual appropriations for the general education fund from 1871 to 1950, see Appendix I.

[41] U.S. "Statutes at Large," Vol. 23, 76.

[42] U.S. "Statutes at Large," Vol. 23, 362.

[43] "Annual Report of the Superintendent of Indian Schools for Fiscal Year 1885," *supra* note 9, p. 95.

[44] U.S. "Statutes at Large," Vol. 27, 612.

Often, other minor provisions for incidental purposes were included over the years. Between 1895 and 1900, $5,000 of the general education fund was set aside for education of Indians in Alaska. From 1890 to 1900, the fund included the pay of a draftsman for the Office of the Commissioner of Indian Affairs.

Throughout the early part of the 1900's, the appropriations language remained essentially the same, except for a slight modification in 1910 when the provision read: "For support of Indian day and industrial schools, not otherwise provided for, and for educational and industrial purposes in connection therewith." [46] This language was not modified in any substantial way until the late 1930's. However, several significant provisions appeared during that time which limited the use of the education fund.

One very significant provision appearing in the Indian Appropriations Act for fiscal year 1913, approved August 24, 1912, stipulated that the general education fund was to be spent only for children having at least one-fourth Indian blood.[47] This provision was included each year thereafter, until the appropriations act approved May 25, 1918, made this a permanent provision:

> *Provided further*, That hereafter no appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided.[48]

For fiscal year 1915, the appropriations act contained a clause, which earmarked $20,000 of the general education fund for "the tuition of Indian children enrolled in public schools." [49] In the following years, larger and larger sums were set aside for this purpose, until in 1932, the provision was simply included as part of the general education clause, not mentioning a specified sum. The previous year, the figure had been $175,000.

Also, in fiscal year 1915, $40,000 was set aside for education of deaf, dumb, and blind Indian children.[50] Each year thereafter, funds were provided for this purpose ranging from $40,000 down to $10,000. In 1938, the provision was included in the general education fund without stating a specific sum.

In 1932, the provisions for support of schools in the appropriations act included a $10,000 set aside for tuition of Indian students in institutions of higher education.[51] This was continued and increased in later years to $15,000. In 1942, this provision was also made a part of the general language for the education fund.

However, scholarship aid was not the only type of financial assistance given to Indian students for higher education. In 1931, the appropriations act provided for reimbursable loans for Indian students. The Interior Department Appropriations Act for fiscal year 1932, under the heading, "Industrial Assistance and Advancement," for the Bureau of Indian Affairs, provided:

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[45] U.S. "Statutes at Large," Vol. 29, 321.
[46] U.S. "Statutes at Large," Vol. 36, 269.
[47] U.S. "Statutes at Large," Vol. 37, 518.
[48] U.S. "Statutes at Large," Vol. 40, 561.
[49] U.S. "Statutes at Large," Vol. 38, 582.
[50] *Ibid.*
[51] U.S. "Statutes at Large," Vol. 47, 91.

> That advances may be made to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years, under such rules and regulations as the Secretary of the Interior may prescribe.[52]

The appropriations act for the fiscal year 1937 specifically stipulated that it was permissible to use the general education fund for the "care of children of school age attending private schools."[53] While direct aid to sectarian institutions had been phased out in the late 1890's, it had been ruled proper to allow use of Indian tribal funds for support of those institutions on their reservations if the tribes so desired.[54] A 1906 provision in the Indian Appropriations Act had allowed children attending mission schools to receive institutional care (i.e., rations and clothing) entitled to them by treaty obligations while they were enrolled in those schools. Apparently, this practice had been operating for several years before it became an actual stipulation in the appropriations act. In 1917, the Indian Appropriations Act for fiscal year 1918 forbade use of money out of the United States Treasury for education of children in sectarian schools; however, it was construed to permit use of government funds for institutional care for children attending those schools.[55]

The Interior Department Appropriations Act for fiscal year 1940 stipulated that the general education fund could be used both for tuition and care of children attending public schools, but allowed only subsistence funds for those attending private schools.[56] This year a portion of the general education fund was set aside for "apprentice teachers for reservation and non-reservation schools."

In 1942, the act stipulated that funds could be used "for subsistence of pupils in boarding schools during the summer months."[57]

By fiscal year 1947, the language of the Indian Appropriations Act allowing funds for support of schools had gone through several modifications and additions. That year, $10,000,000 was appropriated for:

> . . . the support and education of Indian pupils in boarding and day schools and for other educational purposes, including educational facilities authorized by treaty provisions; tuition, care, and other expenses of Indian pupils attending public and private schools; support and education of deaf, dumb, blind, mentally deficient, or physically handicapped; the tuition (which may be paid in advance) and other assistance of Indian pupils attending vocational or higher education institutions under such regulations as the Secretary may prescribe; (minor provision). *Provided*, That formal contract shall not be required for payment (which may be made from the date of admission) of tuition and care of Indian pupils.[58]

This language remained the same until 1950 when the reporting format for appropriations changed substantially. Thereafter, the appropriations acts themselves only showed gross totals of money for general health, education, and welfare services, none of which were clearly defined in the law itself, as had been the previous habit. The provision for fiscal year 1951, under the heading, "Health, Education, and Welfare Services," read:

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[52] U.S. "Statutes at Large," Vol. 46, 1115.
[53] U.S. "Statutes at Large," Vol. 49, 1757.
[54] *Quick Bear v. Leupp*, 210 U.S. 50, 28 S. Ct. 690, 52 L.Ed. 954 (1908).
[55] U.S. "Statutes at Large," Vol. 39, 969; Cohen, "Federal Indian Law," *supra* note 1, p. 242.
[56] U.S. "Statutes at Large," fiscal year 1940.
[57] U.S. "Statutes at Large," Vol. 56, 512.
[58] U.S. "Statutes at Large," Vol. 60, 253

> **For expenses necessary to provide health, education, and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission) of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations or lands; operation of Indian arts and crafts shops and museums; and per diem in lieu of subsistence and other expenses of Indians participating in folk festivals. ($40,252,328)**[59]

The annual appropriations acts for the Bureau of Indian Affairs play a significant and peculiar role in Indian education, not only because they determine the amount and purposes of federal funds for Indian education, but perhaps more importantly because they contain within them several major provisions which actually govern the use of the education funds.[60] Thus, it appears that appropriations statutes make a more significant contribution to the legal framework of Indian education than does any substantive legislation or treaty provision. Federal involvement in Indian education can be traced more directly through administrative decisions and budget requests, reflected in the appropriations statutes, than from special Congressional authorization. It can be argued that because they were part of the appropriations acts, which themselves are subject to Congressional scrutiny and approval, they, in fact, received an indirect authorization. However, the conspicuous lack of substantive legislation to define the federal role in Indian education or to regulate the federal educational services for Indians demonstrates a lack of direction on the part of the Congress and an exercise of a great deal of administrative discretion by the Interior Department and the Bureau of Indian Affairs. Despite the fact that appropriations acts possess equal force of law as other statutes, it seems as though the focal issue in their enactment has not been whether services should in fact be provided, or what the nature of those services should be, but rather how much money to channel into existing institutions and additional services deemed necessary by the Bureau.

It is interesting to note that two very significant pieces of legislation passed in the 1900's are not reflected in the language of the appropriations statutes, despite the fact that they impact the eligibility and delivery of educational services for Indian people. The Citizenship Act of June 2, 1924, conferred United States citizenship on "all noncitizen Indians born within the territorial limits of the United States."[61] The implications of this act are many and significant for Indian education, particularly when the questions of who is responsible for educating American Indians and who is eligible for federal Indian education services are considered. Since Indians are citizens of the United States, the state in which they reside, and of their tribe, it has been a matter of continual discussion as to how this situation affects federal guardianship and the concomitant trust responsibility. The movement to transfer responsibility for educational and social services for Indians to the states was under way when this legislation was passed; however, it did not clarify the problem. It was not until the passage of the Johnson-O'Malley Act in 1934 [62] that a more direct step was taken by the federal government to enlist the assistance of the states in Indian education. Nevertheless, the appropriations statutes do not reflect the change engendered by this act.[63]

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[59] U.S. "Statutes at Large," Vol. 64, 683.

[60] Cohen, "Federal Indian Law," *supra* note 1, p. 88. Cohen states these statutes and the conditions they entailed were given much consideration by administrators in determining the parameters of their official duties and responsibilities for Indian affairs. See Appendix J for a listing of the substantive provisions contained in Indian Appropriations Acts which affect education.

[61] U.S. "Statutes at Large," Vol. 43, 253.

Fundamental to the Johnson-O'Malley Act is federal recognition of a continuing unique responsibility for Indian education in spite of the states' legal obligation to educate Indians just as other citizens. JOM was enacted to establish a new federal state relationship for administering education funds for Indians. It was not, however, perceived as immediately making any radical change, but only continuing tuition payments, which had been made to local school districts for decades by the federal government in lieu of property taxes for Indian education in public schools. This perhaps explains why there is no specific mention of the act in the annual appropriations laws; they merely continued to describe funds directed for "the tuition of children enrolled in public schools."

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[62] U.S. "Statutes at Large," Vol. 48, 596.

[63] Although the Bureau of Indian Affairs presently cites the Snyder Act of November 2, 1921 (42 Stat. 208) as its authority for requesting appropriations, there is no mention of this authorizing legislation in the appropriations statutes.

E. THE FEDERAL EXPERIENCE IN INDIAN EDUCATION (1950–1970)

As the decade of the 1950's began, Willard W. Beatty was nearing the end of a 15-year tenure as director of the federal program of Indian education, which began in 1936. Today, a quarter of a century after he left that post, he is acclaimed as one of the most imaginative and innovative figures in the history of Indian education. He came to the Bureau of Indian Affairs from the American progressive education movement in which he played a leading role. He began his federal service under Indian Commissioner John Collier, anthropologist, reformer, and champion of Indian rights. In 1928, the celebrated "Meriam Report" had shattered the stodgy, authoritarian, and unabashedly assimilationist character of the BIA's school system. The Indian Reorganization Act, passed in 1934, had given impetus to the control by Indians of their own affairs.

Typical of Beatty's reforms were: the abolition of the remnants of military type organization still lurking in BIA boarding schools; the infusion of new blood with fresh ideas into the supervisory staffs; the use of reservation day schools as focal points for community development and for improved farming, ranching, and homemaking; and the dignifying of the native culture in the schools by the development of learning materials, which included use of the native languages and Indian subject matter.

Then came World War II and the BIA's educational program was devastated through loss of personnel, deterioration of school facilities, and the general upheaval and dislocation which war brings about. Margaret Szasz in her book, *Education and the American Indian: The Road to Self-Determination, 1928–1973*, pays homage to Beatty's early years. She appears to feel, however, that after the war, Beatty got off the track by becoming too much of an "acculturationist" in his objectives. If this is true, perhaps it brings us to the question of how the federal Indian policy in the education field has come about.

Who Makes or Influences the Policy Decisions?

Who has formulated the federal government's policy affecting its relationship with its Indian constituents? Who or what has influenced, shaped, and guided it? Probably most persons believe that the Bureau of Indian Affairs or the Bureau's commissioner has done so. This is partially true, of course, but it is true to a lesser extent than is generally supposed. For one thing, the BIA operates within a framework of laws passed by the Congress. A number of these laws, such as the Indian Reorganization Act already referred to, have been beneficial. But some actions of Congress have been disastrous. For example, House Concurrent Resolution 108, which in the early 1950's called for the early termination of the federal trust relationship with Indian tribes, so frightened Indian leaders that they have been dubious ever since about accepting programs, which call upon Indian groups to assume increased responsibility for the administration of their own affairs.

Then, too, during the two decades with which this paper is primarily concerned, the Bureau of Indian Affairs, a part of the Department of Interior, was under the oversight of the Assistant Secretary for Public Land Management. Typically, this official had little conversance with Indian affairs, but the BIA was always in competition with bureaus oriented toward public resources for the budget dollar. Similarly, the Bureau of Budget (now the Office of Management and Budget) by its control over funding exerted great influence over the initiation of educational programs. Occasionally, as in the late 1960's, a Secretary of the Interior would take a personal interest in actively directing Indian affairs.

Over the years, "Indian interest organizations" have exerted influence on Indian policy; for example, the Association on American Indian Affairs, a New York based group composed mainly of non-Indians. Also, many scholars, particularly anthropologists, sociologists, and linguists, have taken more than an academic interest in Indian affairs and have conducted research, written profusely, served as consultants, etc.

The most decisive determiner of all, perhaps, has been the social climate of a particular period or era—the temper of the times, so to speak. This will be illustrated in the remainder of this paper. Until recent times, Indians themselves have perhaps had the least influence on policy, but that is changing rapidly now. But, always policy has been made in the crucible of pressing circumstances, usually without benefit of long-range planning, and often from among alternatives all of which were undesirable.

The Beatty-Thompson Transition

Willard Beatty resigned his position as director of Indian education in 1951 to accept the job of deputy director of UNESCO. It was understood that he had done so because Dillon Myer, the last Indian commissioner in the Truman administration, had demoted him from a line to a staff role, setting up a situation in which he did not believe he could function. His successor, Hildegard Thompson, was made director the following year and Beatty had a hand in selecting her. Mrs. Thompson was a professional educator who had worked with the people of the Philippines before joining the BIA. At the time of her promotion, she was director of Navajo education. How could she hope to succeed in a staff role when Beatty felt he could not? Because, as Beatty is reported to have said, "She can bend farther without breaking than any person I know."

Before his departure from the BIA, Beatty had set in motion certain policies and programs that Mrs. Thompson would carry forward for many years, in addition to those she herself initiated. What were some of these programs? Did they represent a shift from Beatty's earlier philosophy? And, if so, were there good reasons for it?

The Special Navajo Education Program

In 1868, the United States government concluded a treaty with the Navajo Tribe and the latter was permitted to return home from Ft. Sumner on the Pecos River where they had been interned for four long years. The treaty provided that the government would provide a teacher for every 30 Navajo children who presented themselves at school. For 78 years, relatively few Navajo children presented themselves, and by and large, the government was well content to let it go at that.

At the close of the Second World War, only one-third of the Navajo children of school age were in school. During the war, some 3,400 young Navajo men had served well in the armed forces. They were introduced to the variety and complexity of the world beyond the reservation, and they were shocked to learn of the handicap which lack of education had imposed upon them. They came home determined that Navajo youngsters would receive an education.

Willard Beatty was an innovative progressive educationalist, but he was also pragmatic and he was not doctrinaire. Schools could not be built on the reservation overnight, and he used the only space he had available—in old established boarding schools where enrollments had been declining because Indian youth in their regions were enrolling in public schools. These boarding schools ranged geographically from California to Oregon to Oklahoma, Beatty assigned Hildegard Thompson and a staff of experienced teachers to design an educational program, which would provide functional English language skills and a basic marketable vocational skill in five years' time to out-of-school adolescents who would soon reach marriageable age. By 1961, more than 4,000 Navajo students had been graduated from this program and thousands of others had attended for varying lengths of time.

There was much about the program that was not ideal. Boarding schools for Indians have long been anathema to many persons, and the BIA itself for many years has not viewed the boarding school as a preferred way of educating Indian children and youth. Navajo officials approved the plan, no doubt with some misgivings and Navajo parents suffered it rather than see their children go without an education. Beatty and Thompson believed that in the above-described situation, the choice was not between desirable alternatives, but between the course they chose and a lifetime of illiteracy and poverty for thousands of Navajos.

Educational Research

During the 1940's, Beatty had contracted with the University of Chicago for some research in Indian education; and in 1950, he made a similar arrangement with the University of Kansas in Lawrence, which was extended after Mrs. Thompson became director. Basically, this research consisted of administering standardized achievement tests to some 14,000 Indian students and nearly 10,000 white students in eleven states and in public, mission, and BIA schools. The tests showed that Indian students on the average did not achieve as well as white students and that they compared less favorably the farther they went in school. These results were widely noted in Indian education circles and, later, among persons concerned with the education of children of other disadvantaged minorities. The findings were often interpreted as showing that Indian children were receiving an inferior education in the schools in which they were enrolled. However, there were two findings which escaped notice almost entirely, although they were mentioned in the text of the report. These were: (1) that the white children in the public schools of rural North Dakota and South Dakota achieved significantly higher scores at every grade level than the white children in the rural schools of eastern Oklahoma; and (2) that both the white children and Indian children in the public schools of Montana and Wyoming, which had been integrated for a generation, said that all or most of their friends were of their own race. All of these findings were actually precursors of the findings of the monumental "Equality of Educational Opportunity," commonly referred to as the "Coleman Report," which was conducted by the United States Office of Education some ten years later in 1965. In the early and middle 1950's, such comparative data were rare.

There is a tendency for unanticipated and distasteful research data to be ignored and misinterpreted. The Coleman Report suffered the same fate. We will return to a discussion of the report later in this paper. Actually, Beatty was disappointed in the University of Kansas findings, which appeared after he had left the BIA. He had hoped that improvements, which he felt he had made in BIA schools after the war, would be reflected in something close to parity between the achievement of BIA pupils and the white pupils in public schools. He was mistaken. It would be some years before even professional educators would understand that disadvantaged and culturally different pupils would not achieve such parity, short term, simply by attending good schools.

The Eisenhower-Emmons Era

The years of the Eisenhower administration from 1953 to 1961 were not brilliant ones for Indian education. This was the decade of House Concurrent Resolution 108, previously alluded to, which sought to terminate the government's role as trustee. Actually, termination was accomplished with the Menominee and the Klamath tribes, and while termination was repudiated as national policy before the decade was out, the government continued to define its trusteeship very narrowly. For example, federal educational services, whether performed directly by the BIA or by contract with the states under the authority of the Johnson-O'Malley Act, was provided solely on the basis of the tax exempt status of Indian land held in trusteeship by the federal government. Thus, federal educational services were awarded only to Indians living on reservations and were denied to urban Indians, even though the latter might have moved to the city with the encouragement of the BIA's "relocation" branch, later renamed "employment assistance." Treaty obligations were considered to be of little effect.

Actually, the concern of the federal government, including the BIA, seemed to be more in the direction of compensating states and local school districts for loss of tax revenue. Later in the decade, tax exempt Indian land was included under the "federal impact" principle, and public school districts were compensated by P.L. 874 and P.L. 815 funds administered by the United States Office of Education.

Navajo Emergency Education Program

During most of the Eisenhower administration, the Commissioner of Indian Affairs was Glenn Emmons. The attitudes concerning relations between Indians and the federal government of Mr. Emmons, a Gallup, New Mexico banker, and, say, John Collier, an anthropologist, were light years apart. Emmons believed that Indian children should be in public schools wherever possible and the transfer of Indian pupils to public schools went on apace during his administration. But, importantly and to his credit, Emmons believed that Indian children should be in *some kind of school*. So, between 1953 and 1955, the Navajo Emergency Education Program was carried out. This involved a crash building program on the Navajo reservation, including the expansion of many existing boarding school facilities. Much of the construction was woefully substandard and, fortunately, most of it has since been replaced.

The Bordertown Program

A unique part of NEEP was what came to be known as the the "bordertown" program. This consisted of the BIA's building dormitories in eight communities near to but not on the reservation, compensating the school districts for the construction of additional classrooms, and paying the district tuition for the education of the pupils. Approximately 1,000 Navajo pupils were accommodated in this way each year. In 1965, at the direction of the Senate Appropriations Committee, the BIA evaluated this program and concluded that public schools being established on the Navajo reservation provided a better long-range solution because pupils could live at home with less disruption of family life and the Navajo community could exercise control of the school. In 1971, the program was again evaluated by the Southwestern Cooperative Educational Laboratory at the request of the Navajo Tribe and the BIA. Somewhat surprisingly, in view of the supposedly important disadvantages cited previously, students, graduates, parents, teachers, school officials, and townspeople expressed general satisfaction with the program and recommended that it be continued.

Indians in Public Schools

By 1970, two of every three Indian pupils were enrolled in a public school. This movement toward the public schools had begun in the 1940's and had accelerated sharply in the 1950's. Many people could not understand what the federal government was doing in the school business anyway. Education has traditionally been a state and local function in America. At some point during the 1930's or 1940's, the Congress had passed a law requiring that BIA schools in South Dakota follow the state course of study. The financial contributions of the federal government to state and local schools under the Johnson-O'Malley and "federal impact" laws has been discussed earlier.

Following the Supreme Court's school desegregation decision in 1954, the impetus toward public school enrollment was heightened. More than once the BIA was called upon by a member of Congress or some other interested person to explain why it did not consider itself to be in violation of the Civil Rights Act of 1964 by operating racially segregated schools. The BIA could only explain that it did not operate schools for purposes of racial segregation but only to provide educational opportunity to Indian pupils who otherwise would be without it.

The Coleman Report found that in 1965 Indian pupils in public schools were the "most integrated" of any ethnic group. That is, they, more than any other ethnic group, including whites, had a preponderance of classmates of some ethnicity other than their own. By 1965, the BIA found that Indians represented only about ten percent of the enrollment of the public schools to which they paid Johnson-O'Malley aid.

Yet, the relationship between the public schools and Indians and the public schools and the BIA has frequently been an uneasy one. Indian parents often complain of feeling like "outsiders," and it is quite obvious that in most public schools, Indians cannot exercise much control because of their small numbers. On the other hand, public school officials sometimes resent the "Feds" if they think the BIA is trying to supervise or advise them, while BIA personnel frequently have felt that public school people have little expertise and even less interest in understanding the special educational needs of the Indian student and providing for them.

The Kennedy-Udall-Nash Years

John F. Kennedy took office in January of 1961 and named Stewart Udall as his Secretary of the Interior. It is clear now that at that moment the BIA's educational apparatus was due for a shaking up. Udall displayed a keen personal interest in Indian affairs and very soon appointed a task force to investigate it. It was the better part of a year before a new commissioner was named, and when the appointment came, it proved to be Philleo Nash, a member of that task force. Nash was an anthropologist by training and a politician and public administrator by choice. He entered upon his new assignment with zest. He was well liked by Indian leaders throughout the country and played an active role in the "nuts and bolts" operation of his agency as, for example, in the budget and appropriations process. He came in with a rather poor opinion of the BIA's education program but thought better of it as time went on

Hildegard Thompson stayed on as director of education. Always the professional, she concentrated during these years on trying to improve the quality of the education program, as she had in the past. She promoted the in-service training of BIA education employees through summer workshops. She and her staff developed operating standards for boarding and day schools and construction standards for new school buildings to replace outmoded, dilapidated, and unsafe facilities. She upgraded the professional standards of pupil guidance personnel. In 1962, she inaugurated a master teacher grade with a substantial pay differential for teaching excellence.

An adult education program begun in 1955 in five Indian communities had spread by 1965 to 192 communities with activities varying from literacy training to community development. Summer programs for children and youth, many sponsored by Indian tribes and communities and designed to provide learning opportunity throughout the year, grew from an enrollment of 2,000 in 1960 to 26,000 in 1964. In 1963, the Institute of American Indian Arts, widely acclaimed for its concept and excellence, was established. During the ten-year period from 1955 onward, the number of Indian youth continuing their education beyond high school increased from 2,300 to 7,000, and BIA funds available for scholarship aid at the college level grew from a little over $9,000 to $1,150,000. During her thirteen-year tenure, the number of Indian children in school grew from 99,000 to 134,000, and the number of school age children *not* in school declined from nearly 20,000 to less than 9,000.

These accomplishments, while substantial, were not controversial, and they were not dramatized. An enormous amount of time was devoted to budget development and the appropriation process in order to get the wherewithal to put programs into action.

One policy and program change, which Mrs. Thompson instituted in 1958, aroused some little controversy. This was the deferring of the start of vocational training until the last two years of high school and its completion during the post high school years. The rationale for this was the increasing complexity of work and the greater need for a better academic base in such skills as communication, mathematics, and science. Some older Indian people were not persuaded by this argument and feared that youths would not secure the job skills necessary to earn a living.

As 1965 approached, Mrs. Thompson sensed the storm of controversy that was gathering around Indian education and rightly guessed that there was nothing she could do about it. She voluntarily retired in November of 1965.

The Udall-Nash-Bennett Relationship

Eight months elapsed after Hildegard Thompson's retirement before her successor was named and on the job. But, a good deal happened in those eight months nevertheless. Secretary Udall made it quite clear that he was very dissatisfied with the educational program of the BIA. He felt that the evidence was plain: Indian students did not achieve as well in school as white students, and they fell farther behind the longer they went; they dropped out of school earlier and in greater numbers than white students; fewer of them went to college and fewer of them graduated. Education was not the only thing wrong with the BIA—unemployment among Indians was as high as 40 percent and per capita income was about $1,500.

By the early spring of 1966, Philleo Nash was out as commissioner, his resignation having been called for, and Robert L. Bennett was in. Bennett, a member of the Oneida tribe, was the first commissioner of Indian ancestry since the Civil War. A career man with the BIA, he came to Washington from Alaska where he had been the BIA's area director. He was a graduate of Haskell Indian Institute.

Immediately upon Bennett's appointment, Secretary Udall called a meeting of BIA officials at Santa Fe. While the main subject matter of the conference had to do with reservation economics, a block of time was also allotted to a panel of BIA educators for a discussion of ideas for improving the education program. It was revealed that a forthcoming organizational change would give the education branch divisional status headed by an assistant commissioner, who would have line authority. It was also made clear that the new assistant commissioner would be selected from outside the BIA.

Interim Activities

While awaiting the selection of the new assistant commissioner, some rather significant developments took place under a "caretaker" acting director of education. During the spring, an agreement was reached whereby the Rough Rock Boarding School, a newly constructed facility on the Navajo reservation, would be taken over and operated by a Navajo corporation called Dine. It was to be munificently funded jointly by the Office of Economic Opportunity and the BIA, and it would be called the Rough Rock Demonstration School. Also, work went on cooperatively between the BIA and the U.S. Office of Education to include Indian pupils in public schools in the benefits of the Elementary and Secondary Education Act, passed the year before. Efforts went forward, as well, between BIA, USOE, and the Congress to include, by amendment, Indians in BIA schools in the benefits of ESEA. Of course, there was always the budget and appropriations seeking which had by then become a year-round operation.

Carl Marburger

Carl Marburger became assistant commissioner for education on July 6, 1966. He came from Detroit, where he had been an assistant superintendent of schools, responsible for programs for disadvantaged pupils. He had also been a consultant to USOE, which recommended him to Secretary Udall. Commissioner Bennett did not participate in the selection and did not meet Marburger until after he had reported for duty. Dr. Marburger was personable, and while he knew nothing about Indians, he knew a great deal about disadvantaged urban children. He was greeted with real enthusiasm by Indian activists and by people in the Great Society programs. He was well received by BIA educators but less well by BIA area directors, whom he wished to bypass in dealing with BIA school officials.

Marburger stayed with the BIA exactly one year before leaving to become commissioner of education for the State of New Jersey. It is hard to assess his accomplishments in that brief time. Much of his time was spent getting the feel of his new job. There are two important things that he definitely accomplished. He organized the Indian Education Advisory Committee composed of 16 tribal leaders from all parts of the country, the first such consultative group ever created. He also worked out in cooperation with USOE the BIA participation in the Elementary and Secondary Act program, which gave BIA education a tremendous financial lift.

Charles N. Zellers

Charles N. Zellers, who followed Carl Marburger in September of 1967 as assistant commissioner for education, lasted out the decade but not much more. Commissioner Bennett had departed before Zellers did, both of them apparently casualties of political change, or changing ideologies, following Richard Nixon's inauguration in January of 1969. Louis Bruce, a Mohawk-Sioux Indian, succeeded Bennett. Zellers, trained in business administration rather than education, had worked in the District of Columbia school system and the U.S. Office of Education.

One of Zellers' first moves was to continue what Marburger had begun, a reorganization and expansion of the Washington office staff. This involved the addition of specialists in the teaching of English as a second language, in early childhood education in anticipation of kindergarten, in curriculum development to better adapt the learning materials to the cultural background of students, and in psychological and guidance services to ameliorate the problems of boarding school students particularly. Perhaps, most significant was what was called Project TRIBE, a plan on the Rough Rock model described briefly earlier, whereby Indian groups could assume responsibility for the operation of their own school. In other words, Zellers tried to move to allay the most prevalent and virulent criticisms of BIA education: that the Indian culture, including the native languages, was being ignored and denigrated; that the boarding schools were barbaric and wreaking havoc with the mental health of the students in them; and that Indian tribes and communities were without authority or influence over the schools which served their children.

The last half of the decade of the 1960's was a turbulent period in the history of Indian education, and little has been written about it. It may still be too early to attempt an analysis, but perhaps a beginning can be made.

The BIA Historically

For those who are anti-establishment, the Bureau of Indian Affairs is a sitting target. Few agencies in the federal government have been established longer. It goes back to 1824, antedating the Department of Interior by a quarter of a century. It has always been an unpopular agency, reflecting the uneasy national conscience about our native population, which has ranged from rage and rancor to pious tears, bringing with it widely fluctuating policies. Many persons working for the BIA have looked with envy at the National Park Service, which brings so much happiness to millions of Americans each year. There has been a temptation for persons working in the BIA to develop what has been called a "garrison mentality," retreating into an in-group stockade as protection against the arrows and acid pens directed at them. This has been true of Indians as well as non-Indians. Yet, most BIA employees become very pro-Indian.

It was not strange then, that when the Senate Subcommittee on Education was approached in 1966 about including pupils in BIA schools in the benefits of ESEA, it raised the question of whether Indian education should not be moved to the Office of Education in HEW and asked Interior and HEW to jointly look into the matter. The two departments called Indian leaders together in Denver later that year and posed the question. The answer was a resounding "no," which was duly reported to the Senate. In 1967, Persident Johnson named a very secret White House task force to consider the same question. While its report was never made public, it is known that it recommended transfer of Indian education to the U.S. Office of Education and the Secretary of HEW was sent out to Kansas City to make the proposal to a gathering of Indian representatives. Again, the response was decidedly negative. Yet, a third time a leading anthropologist made the same recommendation to the new Nixon administration in

1969, and again, the National Congress of American Indians felt it necessary to veto the suggestion.

How can it be that Indians would wish to retain a agency with such a negative image? Is it not likely that Indians feel that for good or ill the BIA is their own peculiar and particular agency and they do not wish to get lost in the amorphous structure of HEW? While serving as a "lightning rod" for the frustrations of a wronged and deprived people may seem to be an inglorious role, it can be a useful one.

The Great Society Programs

Beginning in 1964, the BIA, controversial as it was, confronted, or was confronted by, President Lyndon Johnson's Great Society programs. Having their genesis in the civil rights struggle beginning with the Supreme Court's desegregation decision in 1954, these programs heightened the public awareness of the problems of the socioeconomically disadvantaged minorities and brought about rising expectations among the minorities themselves. Beginning in 1964, there emerged the Civil Rights Act of 1964, the Office of Economic Opportunity, Community Action programs, Job Corps, Vista, the Elementary and Secondary Education Act and much more.

The initial reaction of the BIA was one of satisfaction that the mood of the nation had at last turned favorable toward the plight of American Indians and other disadvantaged peoples. It established liaison with the office of Economic Opportunity and its component parts. Rising expectations were not to be satisfied by a long-term effort and ancient wrongs could not wait to be righted in the next generation. Washington was soon full of bright eyed young people eager to set things right and looking for villains that had caused the problems. The BIA found that it was a prime suspect. This was a jarring experience for people who had not thought of themselves as villains. While it did not basically change the BIA's approval of the Great Society objectives, it made old line workers defensive. This posed a particular problem for Marburger and Zellers when they came in from outside to direct the education program. As Zellers said, being new, he could not accept either credit or blame for what had happened in the past. But, since the BIA was getting little credit and a great deal of blame, it was not hard for BIA people to understand what he meant. After all, he was now head of the education effort, bad image and all. He could not escape the fact, and it made it very hard for the BIA to succeed at anything.

A Basic Misconception

The criticism of the education of Indians was finally concentrated in the hearings and report of the Senate Subcommittee on Indian Education, popularly called the Kennedy Report. It was wholly condemnatory of both the federal and public school effort. There is persuasive evidence that from the outset, one of the objectives of the subcommittee was to effect the transfer of Indian education to HEW, but in the face of determined Indian opposition, it could not, in the end, recommend it. There were, however, two other very significant studies going on in the middle and later 1960's, which, if they had been paid attention to, would have relieved much of the obfuscation about

Indian education, which the Kennedy Report with its distortions had brought about. These were the Coleman Report alluded to earlier, and the National Study of Indian Education, commissioned by USOE and directed by Robert J. Havighurst of the University of Chicago.

Criticism of the education of Indians usually was of two kinds: first, the legitimate complaints of overemphasis on acculturation, the neglect of Indian cultural materials in the curriculum, the shortage of Indians in the instructional force, the large number of Indian pupils in boarding schools, and the lack of an Indian voice in running the schools. At the same time, concern about the education of Indians was most often expressed in terms of educational deficit; their low educational attainment in terms of years of schooling, their low achievement as measured by standardized achievement tests, their high rate of dropout from school, the low percentage of high school graduates enrolling in college, the low college graduation rate, and sometimes the low self-concept of Indian students. These two lists of things were mentioned together so repeatedly that the idea of a cause and effect relationship took hold; that if the first list of things were eliminated, the educational deficits would disappear or at least would disappear more rapidly. There was no real evidence to support that conclusion. No doubt the evils included in the first list needed to be corrected for humane, or ethical, or democratic reasons, but there was no warrant for supposing that their correction would erase the educational deficit.

Indeed, Coleman had discovered that the deficits were common to all disadvantaged groups—Negroes, Mexican Americans, Puerto Ricans, and Indians—and that Indians were the highest achieving of these groups, not the lowest. He concluded that the deficits were the product of the total society in which they had grown up and not primarily of the schools, although he concluded further that the disadvantaged students were far more dependent on the school for help than the more favored students. Havighurst, a respected sociologist of top rank stature nationally, reached basically the same conclusions. Havighurst, in addition, became so perturbed by some of the innuendos coming out of the Senate Subcommittee hearings that boarding schools were causing abnormally high suicide rates that he took special pains to investigate the charges and found no evidence to support them.

The Kennedy Report contained 60 recommendations, many of them worthwhile, some of them naive, but it did pave the way for greatly increased appropriations for Indian education and for special legislation making it possible for Indian groups to exercise much more authority in the education field.

The Prospect

As the Indian education enterprise headed into the 1970's, its future was uncertain, and this was particularly true of the Bureau of Indian Affairs. There had been a rapid turnover of leadership in the BIA, and this was to get worse. The preeminent issue of control of schools seemed to be crowding out a concern for quality education and for learning itself. There could be no question that Indian people sought, with a tenacity that was awesome, to preserve the best elements of the old culture, but there were not many signs, in spite of all the sound and fury about self-determination, that anyone was doing much to find out just what the rank and file of Indian people really wanted in the way of education.

Biculturalism versus Acculturation—An Adversary Relationship

In 1970, this writer did a synthesis of the literature of the 1960's on the education of the American Indian. The study revealed two separate and not very sympathetic camps. On the one hand, are the biculturalists or cultural pluralists, most often scholars in the social sciences. On the other, are the acculturationists, often referred to by their critics as assimilationists. This group includes most educational practitioners at the elementary and secondary levels, at least. Both sides make gestures toward the "both . . . and" doctrine; that is, *both* the dignifying and the preserving of the native culture *and* the preparing of Indian youth to cope in the mainstream of American life. It is evident, however, that the cultural pluralists have their hearts in the first part—and the practitioners have theirs in the second part—of the doctrine. Probably no one since Willard Beatty has worked hard enough at achieving a true combination of the two.

It is time for school people, whether of BIA, public, or denominational schools, to admit they have been remiss (and this needs to be said by someone who has been a part of the establishment) in not being sensitive enough to the bicultural needs of Indian people. Indian children *do* need to know about their history, their heroes, and the current affairs of their tribe. Their acquiring of English language skills must be based upon the language they already know. Indian parents must be involved in decision-making about the schools which serve their children. On the other hand, the critics of the schools are often intransigent in not trying to understand the practical problems with which school people are faced. For example, they do not admit the difficulty of securing enough trained, bilingual, Indian teachers, or they insist on believing that the BIA operates boarding schools only to save money or to annihilate Indian culture. It is time for détente in the Indian education cold war.*

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*The contents of Section E were provided by Madison Coombs, former Deputy Assistant for Education and Director of Educational Research, BIA, based on his experiences and recollections.

SECTION III

OVERVIEW OF FEDERAL AGENCIES IN INDIAN EDUCATION

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SECTION III

Overview of Federal Agencies in Indian Education

A. INTRODUCTION

There are two major bureaucratic systems which have responsibilities for Indian education. The first and oldest of these is the Bureau of Indian Affairs, which has been running schools for Indians since its establishment in 1836. The second is the nation's educational establishment which extends from the U.S. Office of Education at the federal level, down through state school systems and local school districts. These two agencies have major responsibility for educating three types of American Indian school children: those who live on Indian reservations and have a special federal relationship; urban Indian children whose parents moved from the reservations under a special federal program; and Indian children who live in non-reservation communities, located in remote areas of the country. These children are entitled to educational benefits available through these agencies because of their unique status as American Indians and, additionally, because of their citizenship rights.

The Bureau of Indian Affairs operates schools which enroll some 50,000 of the total of 200,000 school-age Indians actually attending school. In addition, BIA administers the Johnson-O'Malley Act, under which it contracts with the states and more recently with tribes, to provide additional money to local school districts to meet special costs incurred in providing education to children of Indians living on federal reservations. BIA also provides funds to thirteen Indian-controlled schools operated on reservations.

The United States Office of Education (USOE) is responsible for the education of an additional 140,000 Indian students; 100,000 of these are in public schools which receive federal financial support for their education. This support is provided through a number of legislative authorities and is largely made available to local schools from federal funds administered by USOE and provided to state school systems for further redistribution to local school districts. However, a number of federal programs are financed by direct grants from the Office of Education to the local school districts, effectively by-passing state departments of education.

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B. UNITED STATES OFFICE OF EDUCATION

Historical Background

The Office of Education was established by Act of Congress March 2, 1867 (14 Stat. 434; 20 USC 1):

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be established, at the City of Washington, a department of education, for the purpose of collecting such statistics and facts as shall show the condition and progress of educating in the several states and territories, and of diffusing such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems and otherwise promote the cause of education throughout the country.
>
> SEC. 2. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a commissioner of education who shall be intrusted with the management of the department herein established, and who shall receive a salary of four thousand dollars per annum, and who shall have authority to appoint one chief clerk of his department, who shall receive a salary of two thousand dollars per annum, and one clerk who shall receive a salary of eighteen hundred dollars per annum which said clerks shall be subject to the appointing and removing power of the commissioner of education.
>
> SEC. 3. *And be it further enacted*, That it shall be the duty of the commissioner of education to present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which this department is established. In the first report made by the commissioner of education under this act, there shall be presented a statement of the several grants of land made by Congress to promote education, and the manner in which these several trusts have been managed, the amount of funds arising therefrom, and the annual proceeds of the same, as far as the same can be determined.
>
> SEC. 4. *And be it further enacted*, That the commissioner of public buildings is hereby authorized and directed to furnish proper offices for the use of the department herein established.

Two years after its establishment in 1869, it became a part of the Department of the Interior. Upon creation of the Federal Security Agency in 1939, the Office of Education was transferred again to that agency. Finally, it became a constituent agency of Health, Education and Welfare with the creation of that Department in 1953.

Although, as an agency, it has been in existence almost as long as BIA, involvement of the United States Office of Education in educating Indians is of relatively recent origin. With the enactment of the Federal Impact Laws (Public Law 874 and Public Law 815) in 1950 USOE emerged as a funding source for Indian education. Over the next two decades, several pieces of legislation were passed that extended that role. These were:

1953—Amendment to the Federal Impact Laws (Public Law 874, Maintenance and Operations, and Public Law 815, School Construction) due to the presence of non-taxable Indian lands that caused financial hardships to the school district.

1965—Elementary and Secondary Education Act:

Title I: Financial assistance to meet the special educational needs of educationally deprived children.

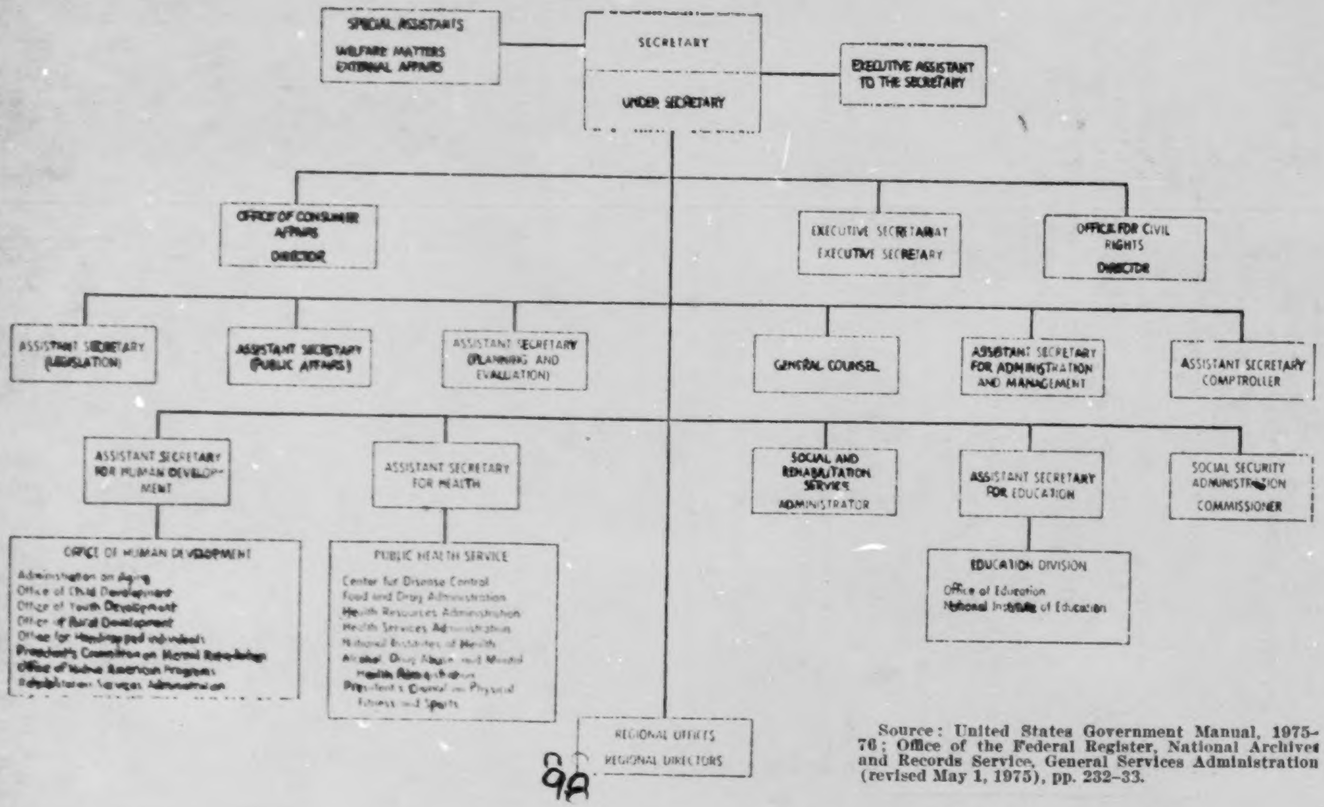
Title VII: Financial assistance to develop and carry out new and imaginative elementary and secondary programs designed to meet the special educational needs of children of limited English-speaking ability.

However, it should be noted that services to Indians under each of these was coincidental rather than the result of an explicit legislative policy. Indians were included by amendment in the Federal Impact Laws as it became apparent that lands held in trust for Indians and thereby exempted from taxation created a financial burden on the school districts in which they were situated. Indians were included in the services provided under Title I and Title VII of ESEA because they satisfied eligibility criteria rather than because they were Indian.

By the end of the 1960's, numerous studies had brought attention to the failure of the contemporary education system to meet the needs of Indian people. Recognition of the scope of this failure culminated with the passage of Public Law 92–318, the Indian Education Act, which created an Office of Indian Education within USOE. The mandate of this new division was to administer supplementary elementary, secondary, and adult programs to meet the special educational needs of Indian people. For the first time in its brief involvement in Indian education, USOE was legislatively charged with responsibility to serve Indians as Indians, rather than as members of a broadly defined target population.

Organization of USOE

Although the purpose and structure of USOE may have changed as it was transferred among the Department of Interior, Federal Security Agency and the Department of Health, Education and Welfare, its present administrative structure has been defined by recent legislation. As a result of P.L. 92–318 (Education Amendments of 1972, 86 Stat. 327; 20 U.S.C. 1221e) the Office of Education is an administrative entity within the Division of Education. As such, it is under the direct supervision of the Assistant Secretary for Education who reports to the Secretary of HEW and is responsible for the coordination and general supervision of education activities of the department. (See Figure 1.)


SPECIAL ASSISTANTS
WELFARE MATTERS
EXTERNAL AFFAIRS
SECRETARY
UNDER SECRETARY
EXECUTIVE ASSISTANT TO THE SECRETARY
OFFICE OF CONSUMER AFFAIRS
DIRECTOR
EXECUTIVE SECRETARIAT
EXECUTIVE SECRETARY
OFFICE FOR CIVIL RIGHTS
DIRECTOR
ASSISTANT SECRETARY (LEGISLATION)
ASSISTANT SECRETARY (PUBLIC AFFAIRS)
ASSISTANT SECRETARY (PLANNING AND EVALUATION)
GENERAL COUNSEL
ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT
ASSISTANT SECRETARY COMPTROLLER
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT
ASSISTANT SECRETARY FOR HEALTH
SOCIAL AND REHABILITATION SERVICE
ADMINISTRATOR
ASSISTANT SECRETARY FOR EDUCATION
SOCIAL SECURITY ADMINISTRATION
COMMISSIONER
OFFICE OF HUMAN DEVELOPMENT
Administration on Aging
Office of Child Development
Office of Youth Development
Office of Rural Development
Office for Handicapped Individuals
President's Committee on Mental Retardation
Office of Native American Programs
Rehabilitation Services Administration
PUBLIC HEALTH SERVICE
Center for Disease Control
Food and Drug Administration
Health Resources Administration
Health Services Administration
National Institutes of Health
Alcohol, Drug Abuse, and Mental Health Administration
President's Council on Physical Fitness and Sports
EDUCATION DIVISION
Office of Education
National Institute of Education
REGIONAL OFFICES
REGIONAL DIRECTORS

Source: United States Government Manual, 1975-76; Office of the Federal Register, National Archives and Records Service, General Services Administration (revised May 1, 1975), pp. 232-33.

USOE: Role

At present, the U.S. Office of Education (USOE) is charged with the responsibility of administration and management of approximately 110 educational programs. Through these programs, a wide range of services are provided to the general public: education for the handicapped; federal insurance on higher education student loans; school construction; and fellowships for exchange of American faculty members with institutions of higher education abroad. In aggregate, the expenditures for all these programs require an agency operating budget of six to seven billion dollars in the current fiscal year alone.

As citizens of the United States and of the states in which they reside, Indian people are eligible for all these services through USOE—provided they satisfy the criteria for funding eligibility set by each program. At present, according to data provided by USOE, of approximately 110 programs, Indian people participate in or receive benefits from about 40—less than 40%. Expenditures for services under these programs amount to an estimated 166 million dollars, 2.39% of USOE's budget for the current fiscal year. (See Table 1.)

In view of the amount of program dollars attributed to services to Indian people by USOE and current data on the educational achievement of Indians which points to unmet, critical educational needs at all age levels, the question must be posed of how so much money can be spent for Indian education each year without having a more substantial impact.

TABLE 1.—ESTIMATES OF UNITED STATES OFFICE OF EDUCATION FUNDS THAT BENEFIT INDIANS OR ARE ATTRACTED BY THE PRESENCE OF INDIANS

[In thousands of dollars]

Program and program objectives	Fiscal year—					
	1970	1971	1972	1973	1974	1975
ELEMENTARY AND SECONDARY EDUCATION						
1. ESEA, Title I (Grants for Disadvantaged): To provide compensatory services aimed at improving the educational programs in order to meet the special educational needs of deprived children. To provide grants to State departments of education for handicapped children, neglected and dependent children and orphans and juvenile delinquents in State institutions. To contract to support program evaluation and related studies	37,700	32,800	41,500	38,968	42,288	43,000
2. Support and Innovation Grants:						
(a) ESEA III—Supplementary Services: To provide grants to States for planning and establishing supplementary educational centers and services and guidance, counseling, and testing programs	500	1,000	1,300	827	829	[1] 737
(b) ESEA, Sec. 808—Nutrition and Health; To improve school health and nutrition services and activities for children from low-income families	(2)	(2)	273	249	285	(1)
3. ESEA, Title VII (Bilingual Education): To support local bilingual education classroom demonstration projects. To assist in developing State, local and university capabilities for training bilingual personnel. To provide resources for the development, assessment, and dissemination of bilingual instructional materials	1,349	2,164	2,777	2,752	5,047	[3] 4,514
4. Education Amendments VII (Right to Read): To provide facilitating services and resources to stimulate educational institutions, Government agencies and private organizations to improve and expand their activities. To eliminate functional illiteracty to the extent that by 1980, 99 percent of the population 16 years of age will be functionally literate	(4)	(4)	(4)	14	161	100

See footnotes at end of table.

TABLE 1.—ESTIMATES OF UNITED STATES OFFICE OF EDUCATION FUNDS THAT BENEFIT INDIANS OR ARE ATTRACTED BY THE PRESENCE CF INDIANS—Continued

[In thousands of dollars]

Program and program objectives	Fiscal year—					
	1970	1971	1972	1973	1975	1975
5. Community Services Act, pt. B (Follow Through): To test alternative educational approaches for disadvantaged children in the primary grades. To provide comprehensive services and special activities in the areas of physical and mental health, social services and nutrition, and such other areas which supplement basic services already available in the school	3, 260	4, 200	3, 000	3, 000	3, 170	2, 340
6. Drug Abuse Education Act (Drug Abuse Education): To provide project grants for the purpose of developing drug education leadership teams at the State and local level througha variety of training programs. To provide technical assistance to such teams to assist them in assessing local drug problems, develop programs and skilled leadership to combat their causes and evaluate existing drug problems	(4)	(4)	165	232	71	136
7. Environmental Education Act (Environmental Education): To provide grants to both public and private nonprofit organizations and agencies to assist the development of effective environmental education resources needed for the development of programs at all levels of formal education and for nonformal adult education	(4)	(4)	84	28	(4)	10
INDIAN EDUCATION ACT						
1. Pt. A: To provide grants to applicant local educational agencies for supplemental elementary and secondary programs to meet the special educational needs of Indian children. To provide grants to Indian controlled schools on or near reservations that are not LEAS	(3)	(3)	(3)	12, 000	25, 000	25, 000
2. Pt. B: To provide grants to Indian tribes and organizations, State and local educational agencies, Federal elementary and secondary schools, institutions of higher education and private, nonprofit elementary and secondary schools to support pilot and demonstration projects and programs for improving educational opportunities for Indian children	(3)	(3)	(3)	5, 000	12, 000	12, 000
3. Pt. C: To provide grants to Indian tribes and organizations and State and local educational agencies to support pilot, planning and demonstration projects with particular emphasis in the areas of basic literacy, high school equivalency training and continuing education	(3)	(3)	(3)	500	3, 000	3, 000
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS						
1. Public Law 874 (Maintenance and Operation): To provide payments directly to school districts to assist in the operation of schools where enrollments and the availability of revenues from local sources have been adversely affected by Federal activities	20, 000	22, 000	24, 000	26, 669	30, 839	31, 137
2. Public Law 815 (School Construction): To provide payments for assistance in construction of school facilities in areas where enrollments and availability of local revenues have been adversely affected by Federal activities. To provide assistance, as authorized by sec. 14 of the act, for children residing on Indian lands			5, 528	11, 200	10, 500	4, 725
EMERGENCY SCHOOL AID						
1. Special projects:						
(a) ESAA, sec. 708(c)—Bilingual Education Projects: To provide assistance to any local educational agency if it is implementing a plan which has been undertaken pursuant to a final order issued by a court of the United States or a court of any State, or any other State agency which requires the desegregation of minority children or faculty in the elementary or secondary schools. Assistance in the form of grant or contract is provided to meet the educational needs of minority children who are from environments in which the dominant language is other than English	(4)	(4)	(4)	304	627	[6] 2 931
(b) ESAA, sec. 713, Educational Television: To contract with any public or private, nonprofit agency, institution or organization with the capability of providing expertise in the development of TV programing to pay the cost of development and production of integrated children's television programs	(4)	(4)	(4)		249	[6] 429

See footnotes at end of table.

TABLE 1.—ESTIMATES OF UNITED STATES OFFICE OF EDUCATION FUNDS THAT BENEFIT INDIANS OR ARE ATTRACTED BY THE PRESENCE OF INDIANS—Continued

[In thousands of dollars]

Program and program objectives	Fiscal year—					
	1970	1971	1972	1973	1974	1975
2. (c) ESAA, sec. 708(a), 708(b)(1) Special Programs and Projects: To authorize grants to assist local educational agencies and supporting public organizations in conducting activities which are otherwise authorized by the Emergency School Act, and promist to make substantial progress towards achieving the purpose of the Emergency School Act	(4)	(4)	(4)	--------	--------	[8] 72
3. ESAA, sec. 706(a), (b), and 708(b): To provide program support through projects whose principle activities are to provide desegregation assistance to LEAS. Funds are apportioned to 3 kinds of awards: (1) LEA grants to meet education needs incident to desegregation and resulting from minority isolation as well as to encourage voluntary elimination of minority isolation; (2) LEA grants to support programs in reading and math for minority children; (3) nonprofit organization contracts and grants to conduct special programs supportive of LEA desegregation efforts	(4)	(4)	(4)	1,182	1,360	[8] 542
EDUCATION FOR THE HANDICAPPED						
1. Education for the Handicapped Act, pt. B, State Grants: To provide grants to States to assist in the initiation, expansion and improvement of programs and projects for education of handicapped children at the preschool, elementary and secondary school levels	(4)	(4)	(4)	130	240	971
2. Education for the Handicapped Act, pt. C, sec. 622, Deaf-Blind centers: To provide contracts to regional centers to provide through a series of subcontracts, diagnostic, educational and related services to deaf-blind children and their families. The centers also initiate whatever ancillary services are necessary to assure that these children achieve their full potential for useful participation in society	(4)	(4)	(4)	--------	77	35
3. Education for the Handicapped Act, pt. C, specific Learning Disbilities: To award grants and contracts to promote State and local provision of identification, diagnostic, prescriptive and educational services for learning disabled children and their parents through the funding of model programs, technical assistance, and teacher training activities	(4)	(4)	(4)	80	65	--------
4. Regional Resource Centers: To provide contracts for the operation of 14 regional resource centers to develop and apply methods of appraisal and special educational programing practices for handicapped children, including referral, placement and followup services	(4)	(4)	(4)	--------	53	45
5. Education for the Handicapped Act, pt. D, special Education and Manpower Development: To provide grants to support training of teachers, supervisors, speech correctionists, researchers and other professionals and paraprofessionals in the fields related to the education of the handicapped in regular and special classrooms	(4)	(4)	(4)	--------	200	170
OCCUPATIONAL, VOCATIONAL AND ADULT EDUCATION						
Vocational Education Act, pt. B: To provide grants to States for basic vocational education programs. To provide funds to support the State advisory councils on vocational education	(4)	(4)	(4)	3,572	4,328	4,328
2. Vocational Education Act, pt. I (Curriculum Development): To provide grants to States, colleges, universities and other institutions to support vocational research and development programs. To provide grants for the development of curriculums for new and changing occupations and to provide the information essential to make necessary improvements and changes for more effective vocational programs	(4)	(4)	(4)	--------	229	--------
3. Educational Professions Development Act, pt. B–1, Teachers Corps: To improve the educational opportunities for children of low income families by demonstrating improved quality programs of teacher education for both certified and inexperienced teacher interns. In 1977, projects will emphasize retraining of personnel	930	2,100	3,634	3,466	4,652	2,050
4. Educational Professions Development Act, pts. C, D, E, F, and sec. 504: To provide graduate fellowships and grants for strengthening graduate programs in education. To provide funding for improving training opportunities for personnel serving in programs of education other than higher education. To provide training programs for higher education personnel. To provide funding for training and development programs for vocational education personnel	(4)	(4)	(4)	4,352	4,024	407

See footnotes at end of table.

TABLE 1.—ESTIMATES OF UNITED STATES OFFICE OF EDUCATION FUNDS THAT BENEFIT INDIANS OR ARE ATTRACTED BY THE PRESENCE OF INDIANS—Continued

[In thousands of dollars]

Program and program objectives	Fiscal year[1]					
	1970	1971	1972	1973	1974	1975
5. Adult Education Act, Adult Education Grants to States: To provide formula grants to States for the purpose of eliminating functional illiteracy among the nation's adults, 16 years of age and older, who lack a 12th grade level of education (15 percent of each State's allotment is reserved for special projects and teacher training)	(4)	(4)	(4)	1,023	1,070	1,114
6. Adult Education Act, sec. 309, Adult Education Special Projects: To provide funding for grants or contracts for special experimental demonstration projects in adult education	500	500	900	894	500	
7. Adult Education Act, sec. 309, Adult Education Teacher Training: To provide funding for grants and contracts to provide training to persons engaged or preparing to engage as personnel in adult education programs designed to carry out the purposes of the act	200	200	100	160	160	
8. ESEA, Title IX, Ethnic Heritage Studies: To provide assistance designed to afford students opportunities to learn about the nature of their own cultural heritage and to study the contributions of the cultural heritages of the other ethnic groups of the Nation					211	162
9. ESEA, Title VIII (Dropout Prevention): To provide funding for the carrying out of promising demonstration projects involving the use of innovative methods, systems, materials, or programs designed to reduce the number of children who do not complete their education in elementary and secondary education	(4)	400	500	400	208	(1)
HIGHER EDUCATION						
1. Higher Education Act, Title IV-A(i) Basic Opportunity Grants: To provide full entitlement awards averaging $854 for 1,270,000 full and part time undergraduates in academic year 1977-78. Size of the grant is determined on the basis of the expected family and student contribution, specified by the needs analysis system approved annually by the Congress, up to a maximum of ½ of the student's needs	(4)	(4)	(4)	1,105	2,900	[7] 5,800
2. Higher Education Act, Title IV-A(2) Supplementary Educational Opportunity Grants: To provide through institutions of higher education supplemental grants to assist in making available the benefits of postsecondary education to qualified students, who for lack of financial means of their own of of their families, would be unable to obtain such benefits without such a grant	(4)	(4)	1,717	2,382	[8] 2,442	[8] 2,009
3. Higher Education Act, pt. C, Work Study: To provide funds for part time employment to an estimated 652,000 students, assuming a 30 percent institutional matching share	(3)	(2)	2,599	1,628	[8] 1,739	[8] 1,669
4. Higher Education Act, Title IV, pt. D, Cooperative Education: To assist postsecondary institutions to initiate, improve and expand cooperative education programs in which employers pay students for periods of full-time work alternated with full-time study	(2)	(3)		160	115	[8] 85
5. Higher Education Act, Title IV, pt. B, Subsidized Insured Loans To subsidize 871,000 new disbursed guaranteed student loans and to pay mandatory expenses, including interest benefits, the special allowance to lenders, and death and disability claims	899	540	89	456	3,200	3,800
6. Higher Education Act, Title IV, pt. E, Direct Loans: To provide funds to pay cancellations for loans made by borrowers who subsequently undertook specified types of teaching or military service	(3)	(3)	1,991	1,904	[8] 2,408	[8] 2,565
7. Higher Eduation Act, Title IV-A(4), Special Programs for the Disadvantaged: To provide funds for talent search, Upward Bound, special services and educational opportunity center programs, through which over 250,000 disadvantaaed students are served	(4)	(4)		2,933	4,211	4,822
8. Higher Education Act, Title III, Developing Institutions: To provide funds for the basic institutional programs and for advanced institutional development program. Together these programs provide substantial assistance to schools with high percentages of black and other minority students to enable them to enter the mainstream of American higher education	(3)	943	1,970	3,166	3,517	3,606
9. University Community Services: To Provide Funds to State agencies or institutions pursuant to an approved State plan setting forth a comprehensive, coordinated and statewide system of community service programs designed to assist in the solution of community problems in rural, suburban areas (with particular emphasis on urban and suburban problems such as housing, poverty, transportation, health, etc.)	(3)	(3)	(3)	158	141	120

See footnotes at end of table.

TABLE 1.—ESTIMATES OF UNITED STATES OFFICE OF EDUCATION FUNDS THAT BENEFIT INDIANS OR ARE ATTRACTED BY THE PRESENCE OF INDIANS—Continued

[In thousands of dollars]

Program and program objectives	Fiscal year— 1970	1971	1972	1973	1974	1975
LIBRARY RESOURCES						
Library Services and Construction Act, Title I (Grants for Public Libraries): To disburse grants to States to provide and improve public library services in areas without such services or with inadequate services; to improve State library services for disadvantaged persons, institutionalized persons, and blind and physically handicapped persons; to strengthen State library administrative agencies; to strengthen metropolitan libraries which serve as regional resource centers			295			384
2. ESEA, title II, School Library Resource: To provide funds to LEA's for school library resources: equipment and minor remodeling and guidance, counseling, and testing through a consolidation of these programs	61	117	133	142	125	289
3. Higher Education Act, pt. B, Training and Demonstration: To provide grants to institutions of higher education and library organizations or agencies to support the training of paraprofessionals and professionals in library and information science for services to all types of libraries	[8] 4	177	101	375	330	117
Total FY 1975						165,261,000

[1] Programs consolidated under under Support and Innovation Grants, Title IV, Public Law 93–380.
[2] Data Not Applicable.
[3] Includes both Indian grants and grants that are multiethnic and include Indian components.
[4] Data Not Available.
[5] Enacted by Pubic Law 92–318, Education Amendments of 1972.
[6] According to information provided by the program division, "it is impossible to state with accuracy either the degree to which each project served Indians or the expenditure set aside exclusivly for Indians." Support data estimated Indian participation to range from 0.2 to 100 percent.
[7] The basic grant application form does not request information concerning the ethnic or racial background of the applicant since such information is not relevant for determining eligibility, according to the program.
[8] Preliminary data.
[9] According to information provided by the program office, the statistics provided refer to predominantly black institutions.
[10] According to the program office, funds are not targeted to any specific ethno-racial group.

Source: Data gathered, compiled, and analyzed by Task Force members from material submitted by USOE.

Several attempts have been made to study this question in recent years. These studies have generally focused on possible mismanagement of funds intended for Indians or duplication and overlap in federal funding and grant administration.[1] However, the question is broader in scope than duplication and management of funds. If it is to be answered, it must be analyzed within the context of how program interpretation of legislative intent, the form of services provided, the funding structure of a program and program longevity interrelate.

As the overview in Table 1 illustrates, service objectives of the USOE programs that provide services to benefit Indian people are not mutually exclusive. However, there is not the same level of overlap in the manner in which each program implements its objectives. Each program has an administrative and management structure of its own that has been defined by its enabling legislation and USOE administrative policy. As a result, while programs may have shared objectives, they differ in the forms of services they provide to participants. When categorized in terms of the types of services they buy (i.e., improvement of instruction, personnel training, construction, software or research), it becomes evident that only a portion of those funds attracted by or benefitting Indian people is expended for direct instructional services. (See Table 2.)

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[1] See Appendix K for a selected list of studies conducted on Indian education since the Kennedy hearings in 1969.

Table 2.—*Breakout of OE funds that benefit Indians by category of expenditure*

Classroom instruction and ancilliary services [1]	$101, 078, 000
Construction	4, 725, 000
Maintenance and basic operations	31, 137, 000
Materials and instructional equipment	278, 000
Program developments: Curriculum development, research and demonstration, planning and evaluation	8, 642, 000
Student support in post secondary education	15, 928, 000
Training	2, 920, 000

[1] This represents approximately 61 percent of all USOE moneys benefitting or attracted by the presence of Indians. (Figures provided by Navajo Division of Education indicate that the cost to operate a 2,250 pupil facility for 1973–1974 was $2,923,185. Thus, the amount of money presently spent by USOE for instructional services is equivalent only to what it would cost to educate 78,094 students in 34 comparably sized school facilities for a *single* school year.)

What factors must be considered then to arrive at an accurate picture of the quantity and quality of USOE services actually reaching Indian people? To delineate the manner in which this agency's programs benefit Indians available data must be analyzed from two perspectives: (1) How reliable is the data presently available? (2) What factors inhibit the impact of whatever funds are actually expended on services for Indian people?

Reliability of Available Data

The first issue requires review of those factors at the agency policymaking, program administration, and program implementation level that affect the accuracy of available information. A problem that appears to predominate administration of services to Indians at all program levels, within USOE there is a lack of an adequate management information system to handle the collection and storage of accurate data on Indians. As a result much of that data available on the level of services to Indians is based on "guestimates". This is made apparent by a review of the manner in which USOE's Office of Budget collects data from the programs in order to compile its list of programs that serve Indians.

Each budget cycle, a directive is issued by USOE Office of Budget requesting all programs to identify the amount of their program dollars that impact Indians. These calculations are to include a prorated share of administrative costs and staff salaries attributable to the cost of managing Indian projects. Beyond definition of categories of expenses to be reported, little guidance is given to program offices. For example, while this directive identifies an Indian project as one in which the level of Indian participation is at least 10%, it promulgates no definition of *Indian* to insure consistency of response. No guidelines are provided to the program areas on how to compile and analyze their data. Responsibility is placed on each program area to obtain the information by whatever means necessary.

Consequently, there is a lack of comparability of the data provided by the various programs. In addition to the fact that the figures provided may include actual and estimated expenditures and funds carried over from the previous fiscal year, there may be substantial variance in the definition of Indian used by each program. The Indian

Education Act, Title IV Program, for example, defines *Indian* with sufficient breadth to include federally and non-federally recognized tribes, terminated, rural and urban Indians. The Bilingual Education Program is authorized, under its regulations, to serve:

> A non-profit institution or organization of an Indian tribe which operates on or near a reservation an elementary or secondary school for Indian children and which is approved by the Commissioner of Education for the purposes of this part (45 C.F.R. 123.02) and an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior.

However, these regulations do not define what is meant by *Indian*, Career Education, one of the special areas administered under the Commissioner of Education's Office, has an even broader definition than Title IV. Using a handbook prepared by the National Center for Education Statistics as the source of its definition, Career Education defined *Indian* as "American Indian or Alaskan Native: A person having its origins in any of the original peoples of the Western Hemisphere". (See Table 3.)

TABLE 3.—*Definition of Indian applied by USOE programs in identifying funds that benefit Indian people*

	Percent
Definition promulgated by BIA regulations	6
Definition embodied in title IV of Public Law 92-318, the Indian Education Act	13
Definition developed by the individual program office	3
Other (State definition, nonapplicable, etc.)	76

The implications of the lack of a uniform definition of "Indian" are numerous. Many of the programs that expend funds to benefit Indians do so through projects that cut across ethnic groups because participation is predicated on satisfying the funding eligibility requirements.

While the programs recognize many of their grants to be multiethnic, they have no adequate data to estimate the actual level of Indian participation in program services. Unable to prorate what portion of the total grant award is spent on Indian participants, the entire grant award is posted as program dollars benefitting Indians. (See Table 4.)

TABLE 4.—*Definition of Indian project applied by USOE programs in identifying funds that benefit Indian people*

	Percent
By funded entity, i.e., Indian tribe or organization	13
By estimation of number of Indians included in population to be served by the grant	19
Other	68

The quality and quantity of data available within a program to compute monies impacting Indians varies. In the discretionary grant programs, the program can sometimes determine whether the grant serves Indian people from the application form and grant narratives. If the program funds through entitlements or block grants to states, its data resources on Indians are usually rather meager. Because of OMB restraints on data collection efforts, these programs have no authority to extend or update their current data bases. To compute figures on services to Indians, they usually have to contact each state level program office. However, current agency policy towards the states is understood by many of the professionals in these programs to be one of "laissez faire". It is left to the discretion of the states to provide federal program people with data if they choose to since OMB will usually not clear program application or reporting forms that request breakdown of number of participants by race. If the state departments receiving such funds do not keep data on Indian participation in federal projects, the program's computations may be nothing more than extrapolations of *possible* level of Indian participation. These extrapolations are arrived at by multiplying the percentage of the target population that is Indian (based on BIA or Bureau of Census figures), times the amount of funds allocated. Thus, if the program makes a block grant of $100,000 to a state in which 10% of the school-age population is Indian, it is assumed that 10% of that block grant, or $10,000 benefits Indian children. In actuality, whether any of the block grant funds benefit the Indian school-age population is dependent upon whether the recipient state targets the funds into school districts in which a subtsantial number of Indian children are enrolled.

In view of the discrepancies of available data and of the method of computation relied upon by USOE programs to compile figures on funding that impacts Indians, it is clear that the total of 178 million dollars attributed to Indians by USOE is probably substantially in excess of the actual amount expended. However, the question still remains of why whatever amount of USOE funding reaches Indian people does not have a greater impact.

Factors Inhibiting the Impact of USOE Funding

At each level of program creation and implementation (i.e., the legislative, agency administration, and local program level), there are factors whose inherent effect is to inhibit the impact of federal funds in Indian communities. For example, the legislative enactments creating these programs usually focuses upon a broadly defined target population such as "disadvantaged," "handicapped," or "potential dropout." The immediate effect of this is to serve Indians not within the context of their needs as shaped by their linguistic and cultural background but as members of a general target population. As a result, services to Indian people tend to be coincidental rather than the result of comprehensive educational planning.

Legislative wording may also define the strategies to be employed by USOE in implementing a program. Program people generally look to the legislation for the outermost limits of their administrative authority. Where the language of the act is very specific, as in the Education of the Handicapped Act, the legislative language may be taken over directly by the program for its funding guidelines and regulations. In such instances, little discretion is left to the program to prioritize its objectives. Where the language of the legislative enactment is very general, potential discretion is vested in programs to lay down funding guidelines and program regulations that permit individualization of services to a program's constituents or are sufficiently flexible to meet a wide range of educational needs. A few USOE programs in fact have built a high degree of flexibility into their regulations. The Follow Through Program, for example, has retained its legislative flexibility in its program guidelines and regulations. Its grantees have sufficient administrative discretion to program their Follow Through funds in the particular manner necessary to meet the total needs of the children participating. The more prevalent pattern in USOE programs, however, is to use program regulations as a mechanism for insuring that a generally defined legislative intent is in alignment with the current agency policy.

The factors that inhibit the impact of federal funds within Indian communities (i.e., legislative, agency administration, and local structures) are interrelated. The legislation both expresses the intent of the Congress and defines program structure at the agency level. If the enactment creates a service as a state grant program, the central function of the USOE program office will be to develop guidelines for state plans, check plans submitted by the states for legal compliance, and insure that grant awards are paid in a timely manner. Actual allocation of funds to local educational agencies or other service entities within the state will be made by the state department of education or equivalent administrative unit. Even though they may be eligible for services from such programs according to the intent of the law, whether Indian people will benefit from such funds will depend upon the degree to which each state has assumed an advocacy role in Indian education. Because Indian school-age children are usually widely scattered throughout the state's school districts, to insure that all Indian children participated in the program's benefits the state department of education would have to target money into each of LEA's in which Indian children are enrolled and insure that all funded LEA's included their Indian students in program classes and activities.[2]

This present structure of funding general educational needs areas through state entitlement and block grants is not suited to meeting the varied educational needs of the Indian community. It is geared to remedying symptoms rather than causes and presumes that some requisite level of skills, material and economic resource already exists within the designated target communities. The underlying rationale is that federal funding will have the effect of stimulating state and local activity in designated areas of education. In theory, once the state or locality has had the opportunity to design an education model and instructional materials through federal funding, it will pick up the cost of program implementation and operation. For most of the USOE programs providing services to Indian communities, this has not been the case. The pattern that more frequently occurs is illustrated by Title VII of ESEA, Bilingual Education. The initial thrust of the Bilingual Education program was model-building rather than service. The program was to provide federal funding for a five to six year span at the end of which the program would be picked up and implemented by the recipient states and localities. The Indian projects funded under this rationale were not generally picked up by state departments of education or local educational agencies. When federal funding lapsed for these projects, the grant proposals were revised to bring them into compliance with the funding criteria and program guidelines of other federal funding sources. Defunded grants often resurfaced as applications for Indian Education Act, Title IV, Part B assistance.

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[2] See Section IV: "State Policy and Finance."

This pattern points to certain underlying problems faced by most Indian communities that must be resolved if the impact of available federal funds is to be maximized. First of all, available statistics and testimony by Indian communities at Task Force hearings throughout the country indicate that most communities lack the skilled professionals in educational planning and administration to meet each community's needs in grantsmanship and grants management adequately. In the area of library services, for example, according to figures provided by the Division of Library Programs, USOE, less than one hundred Native Americans are known to have met training and accreditation requirements for the profession of librarian. There is a similar shortage of trained Native Americans at the community level for the areas of classroom teaching, curriculum development, educational planning, and evaluation. Consequently, meeting staffing needs is often contingent upon receiving federal funds to pay salaries of professionals hired from outside the community. Rural school districts often incur the added expense of higher salaries and staff housing allowances to attract competent staff to their area. Because the pattern of funding that emerges in most Indian communities is one of increased dependence on federal funds for supplementary services, if funding is decreased or lapses, the community has no resources to retain the staff recruited under their federal funding. Where the initial funding is contingent upon adequacy of staff, as in Bilingual Education which requires that applicants demonstrate staff capacity in bilingual program planning and evaluation, Indian communities and tribes are effectively disqualified from competing for funds from the outset of the grant application process.[3]

This problem of lack of adequate skill resources to sustain educational programs within the tribe or local community is intertwined with the basic economic problems of Indian communities. Rural Indian communities lack adequate, local, taxable resources with which to subsidize or completely finance federal programs once funding has lapsed. Moreover, in many states in which there is a substantial Indian population, it is a commonly shared perception that Indians are "freeloaders" benefitting from services paid for by taxes on non-Indian people. Where this bias exists, it is politically unrealistic to expect that when the federal programs benefitting Indians are phased out, they will be taken over and supported by state and local revenues.

The reality of federal funding for most Indian communities is that it is a temporary means of providing supplemental services for Indian children but not of solving the causes of the community's educational and economic problems. To assure that they receive federal funding, Indian tribes and communities must deal with problems and needs not in terms of community priorities, but according to federal funding priorities. Money will be available for programs to use Native American language to enable the children to develop the skill necessary to function in English-speaking society. It will not be available, however, where the objective of the community is to retain or restore its own language within the community. Similarly, grant funds are available under the Teacher Corp Program for in-service training or retraining of teachers of disadvantaged children. However, other than Part B of the Title IV Program, there are no funds available within USOE to insure training of Native American teachers.

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[3] In the past fiscal year, 16 project applications submitted by Indians to Title VII were rejected for funding. Although rejected for more than one deficiency, 10 of the 16 rejection letters, or 62%, cited lack of evidence of staff competency as a factor.

In short, the services that presently reach Indian people through USOE programs are often coincidental and indirect rather than the result of targeting of funds. Patterns of funding and grant administration within USOE tend to bypass rather than focus upon the needs of Indian communities. For example:

(a) Title IV (B) of the Higher Education Act makes grants to state commissions for the purpose of funding institutions of higher education for purchase of hardware and software. Because of the low percentage of Indian high school students that go on to post-secondary education, many of the recipient institutions will have few or no Indian students enrolled who *could* benefit from the materials purchased. Alternatively, the program has no policy that encourages state commissions to make such grants to Indian controlled post-secondary education institutions.

(b) Career Education, one of the Commissioner's special projects, seeks to infuse a particular concept of career education at the state and local level. To achieve this end, the program's funding priorities are stated in terms of learner outcomes such as competency in basic academic skills required for adaptability in a rapidly changing society; awareness of means available for continuing and recurrent education upon leaving the formal system of schooling. These funding objectives make no acknowledgement of the particular or unique career education needs of any racial group. Nor are there any weighting factors for minority or ethnic groups. Grant awards are made on the basis of straight competition. Thus, even though Indian people throughout the country identified career education as an unmet, critical education need in their testimony at Task Force hearings, there is not a policy or weighting factor to insure funding for them under this program. To get federal funding for career education, their needs would have to coincide with the objectives of the program *and* they would need to demonstrate skills in grantsmanship comparable to those of all other applicants.

(c) Library Services and Construction Act funds are allocated to state administrative agencies to expand the existing libary and information service networks where the present level of services is inadequate. Primary emphasis is placed on utilizing existing networks. Although in New York State the St. Regis Mohawk Tribe has worked closely with its state library commission, most tribes do not enjoy this rapport with or relate to state governmental institutions. Thus, a tribe which does not have access to the existing county or state library system because it is widely scattered in a rural area and which suspects increased relations with the state as a step toward termination, will have limited prospects for participating in existing service systems. It will not be likely to benefit substantially from such federal funding unless allowed to start its own library.

The likelihood that each of these examples is a recurrent characteristic of USOE programs is reinforced by the agency's present funding structures and administrative policies. Where program legislation provides services on the basis of an identified educational need, unless there is specific language mandating services or creating a set-aside for Indians, there will be no articulated consistent policy within programs that insures actual Indian participation in program services. In task force interviews with administrators of USOE programs which purport to expend funds impacting Indians, one common administrative perception frequently emerged. The officials share the view that USOE has no responsibility to serve Indians except inasmuch as they are members of a "disadvantaged" or some other broadly defined population. Most staff members are unaware of legislation defining the federal relationship toward Indian people, aside from that legislation establishing their own programs. In fact, at certain decision-making levels, such as the Office of Budget, BIA is perceived to be legally obligated to serve Indians while USOE services are viewed as being predicated on a moral obligation that cuts across racial lines.

In the absence of an agency-wide policy that advocates services to all Indian people, programs lack guidance on the scope of their responsibility, if any, towards Indian people in the grant application and administration process. Consequently, that responsibility is defined by available funding, staff resources, and program interest. Whoever is responsible for monitoring those grants in which Indians participate is often relied on as the resource person on Indian affairs. Consequences of this are varied; programs such as Library Service and Teachers Corps have staff members with prior experience in Indian affairs who work effectively on behalf of Indian people. Other divisions (such as Handicapped Education State Grants) place Indian grants under a staff professional with little or no experience in Indian affairs. Thus, staff members with so little experience in the special U.S.-Indian relationship, make decisions affecting Indian people. An obvious consequence of this practice is that it facilitates the drafting of internal program guidelines and funding criteria that inhibit or exclude Indian participation in program services.

Where programs are aware that such exclusion is occurring, the degree to which they can remedy the problem depends upon internal program structure and the prevailing agency policy. During its initial funding cycles, for example, the Follow Through Program recognized that its selection procedures were excluding Indian participation. Using the broad administrative discretion with which its legislation endows it, the program revised its procedures to insure inclusion of Indian projects. However, staff people in the state block grant and entitlement programs have indicated that they do not enjoy a comparable level of administrative discretion. Their funds flow from the federal agency to a state governmental entity that distributes the funds within the state. They maintain that to target such funds into Indian communities would require a legislative amendment or revision of their program rules and regulations. Otherwise, they are constrained to take a "laissez-faire" policy towards the states by the present policy of USOE and OMB.

The problem is further aggravated by the fact that many Indian tribes and communities lack an adequate understanding of those programs for whose services they are eligible and of the respective program's intent. Thus, staff time is spent preparing applications for funds for which there is clearly a need but for which funds cannot be expended in the manner proposed. For example, several Indian tribes applied for funding under the research division of the Adult and Vocational Education Program. Grants made by this division are to be used for research projects that produce information and products designed to improve vocational education. Because the handful of grant applications submitted by Indian tribes and organizations focused on vocational services rather than research, the program office was unable to fund them.

If federal funds are to be more effectively expended to benefit Indian people, lines of communication must be established between Indian tribes and communities and federal sources of funding. Under existing program structure, programs make administrative and funding decisions on the basis of data that does not reflect, or is antagonistic to, Indian needs. Programs within USOE for the most part, neither maintain data on Indians nor utilize data resources on Indians existing outside of their programs. When available, data provided by national surveys is used as the basis for administrative and policy decisions (See Table 5). Such data often does not register the demographic circumstances or needs of Indian tribes and communities. National statistics, for example, indicated a surplus of teachers on the employment market. As a result, USOE programs that provided teacher training funds shifted funding emphasis to retraining or inservice training. This had an adverse effect on Indians who had relied heavily on such programs to help fill the critical need for Native American teachers in their communities.

TABLE 5.—RESOURCES UTILIZED BY USOE PROGRAMS IN DESIGNING, IMPLEMENTING OR MONITORING SERVICES TO INDIANS

[In percent]

	Yes	Not available
Technical assistance from USOE and other Federal agency Indian staff	23	77
Indian organizations, field readers and consultants	23	77
Program management information systems; needs assessment data, interim and annual reports on Indian projects	13	87
National Advisory Council on Indian Education	19	81
Bureau of Indian Affairs	32	68
Evaluation contracts, assessments, or impact studies on program services to Indian people	16	84

The lack of reliable data on Indians presents a problem in program evaluation as well as in planning and setting funding priorities. Most USOE programs cannot substantiate the degree to which their funds have impacted the Indian communities they serve, if at all. Over the past five fiscal years, few programs have conducted or contracted for any studies to assess the needs of Indian people or to evaluate the impact of program services in meeting Indian needs. Some of the programs polled indicated the possibility was discussed of including an Indian component in an evaluation study of their program, but the idea was discarded due to the difficulties posed in designing valid data collection instruments and data sampling strategies appropriate to Indian communities.

Whether the factors discussed in the preceding pages occur singly or in combination, their most obvious consequence is that Indians may inadvertently be passed over for program services by funding patterns that target the monies into urban areas or service areas in which other minority groups reside. As a result of such cumulative "neglect," many Indian communities receive no funding or services until their needs reach crisis proportions and justify priority status for program funding. This syndrome is best illustrated by the P.L. 815 school construction program. Although the backlog of repair and construction of schools in Indian communities alone would require expenditure of over 300 million dollars, less than 10% of that amount has been appropriated for this program to date. Applying funding criteria taken from the text of the law, monies will be obligated to construct facilities for unhoused students (not single-use buildings such as libraries or gymnasiums). Consequently, many Indian communities do not rank high enough on the priority scale to receive construction funds despite the structural inadequacy of their present school facilities. Those that do expect to wait four to seven years before they will have an actual facility available for use. (The application process takes twelve to eighteen months, depending upon the size of the project and whether there are administrative obstacles such as delay by the Congress in passing the HEW appropriation bill. Once the application process has been completed, additional time will be required to put out construction bids, select a contractor, adjust funding level and complete construction.) Brockton, Montana, filed its application for construction in 1972; bids for construction are going out this year. An Alaskan construction project application was filed in 1969; a line item has been included in HEW's fiscal year 1977 budget, which can only be spent for this purpose. The consequences of this funding approach to meeting a critical problem are twofold. The competency and commitment of the School Construction Program staff cannot offset the lack of money with which to meet the needs. Without funds, Indian school children will continue to be housed in trailers, temporary classrooms, and school facilities that do not meet minimum health and safety standards. Moreover, each year's delay in funding further aggravates the problem due to the steadily increasing cost of construction. (According to rough estimates provided by the School Construction Program, the Alaskan construction project, which was cost estimated at 2.5 million dollars in 1969, will probably cost about 9 million dollars by the time it is completed. The school construction project at Tohatchi was estimated at 2 million dollars. By completion, it will cost close to 10 million dollars.)

In short, the present network of educational services for Indian people that results from USOE funding is most accurately described as a piecemeal pattern of supplementary services funded in a scattergun approach. Moneys reach priority areas defined by the agency rather than immediate areas of community need. They benefit selected age groups to the exclusion of the rest of the Indian population. Moreover, present policies and administrative structures do not support or enhance development of a resource and skill base at the community level or promote local control. They favor established institutions and service entities outside the Indian community to educate Indian people. As a result, such administrative structures (i.e., federal agencies, state and local educational agencies, boarding and day schools) have developed sizeable bureaucracies, which have effectively channelled funding, staffing, and control of programming outside of Indian tribes and communities.

The cumulative effect of the data and findings is to underscore the inadequacy of the present system of programs within USOE to effectively impact the educational needs of Indian people. Lack of awareness of local Indian community needs and definition of needs to be met by non-Indian staff members with a limited understanding of Indian people reinforces this ineffectiveness. Moreover, the flow of funds through successive program administration levels down to the communities results in diminution of actual funds available for expenditure at the local level.

The shortcomings of the present network of programs that provide educational services is an administrative nightmare for Indian people to manipulate· Funding requests must confirm to agency priorities rather than community needs and are rarely responded to in what the communities perceive to be a prompt or timely manner. The discretionary nature of much program fundings contributes to existing lack of continuity in local services. Programs are implemented only to phase out through program consolidation, lapse in enabling legislation or shift in funding priorities if a shift in agency or fiscal climate dictates that result.

To insure that these programs *actually* benefit Indian people, it would be necessary to amend each program's legislation in a manner that would directly target services to Indians. This would necessitate in turn restructuring each program at the administrative level to implement the legislative changes. In view of the unwieldiness of this solution, an alternative service model that is ministerial in function should be considered. Its responsibilities could be limited to distribution of funds and provision of technical assistance in program planning, implementation, and staff development upon request by the grantee. The mandate of such a service model would be primarily to expedite fiscal administration, monitoring of funds, and maintenance of a current management information system. The policy component of service delivery would be vested at the local community level. Thus, Indian tribes and communities would be assured the necessary flexibility for long term educational planning and development of the manpower resources within the local community.

Too often attempts to reform service programs for Indian people have resulted in short term relief at the expense of long term accountability and responsiveness. To avoid incorporating old deficiencies into any proposed new service structure and to insure qualitative educational services for Indian people, a comprehensive legislative package will need to be drafted. This package must be predicated on a statement of policy on educational services for Indian people and community control of such services and institutional delivery systems. It should create a financial base that insures operational and supplemental funds and an agency that will be held accountable for implementing the legislation. Otherwise, the present network of educational programs serving Indian people will be replicated and delivery of educational services will continue to minimally impact the needs of Indian people.

C. BUREAU OF INDIAN AFFAIRS

Traditionally, the Bureau of Indian Affairs has been looked to as the bureau handling all Indian affairs. This has meant that other federal agencies, members of Congress, and the American public assumed that all Indian matters were handled there.

The Bureau of Indian Affairs is one of the oldest federal offices, originally established by act of Congress in 1834.[1] Then, later in 1849, the Department of Interior was established and given "the supervisory and appellate powers now exercised by the Secretary of the War Department in relation to all acts of the Commissioner of Indian Affairs." [2]

The next major authority for BIA was the Indian Reorganization Act, which gave the Secretary the right to formally organize tribal governments for purposes of dealing with the federal government and obtaining services for their membership.[3]

A number of issues have been persistent throughout the Bureau's relations with Indian tribes. One of these has been whether the civilians or the military had jurisdiction over Indian relations. Another issue has been the definition of who is an Indian for purposes of service received from BIA.

The first issue seems to have been resolved in the early 1900's after Indians had been settled on reservations and the civil service was extended over Indian matters. The second issue is still a recurring problem. As a query to BIA was presented on this question, the following excerpt of their answer indicates the administrative view on this matter:

The term "Indian" has never been defined nor has unanimity existed among those who would attempt to, Indians or the federal government.

According to the *Handbook of Federal Indian Law by Felix S. Cohen (First Edition, 1940), the term "Indian" may be used in an ethnological or in a legal sense:*

> Ethnologically, the Indian race may be distinguished from the Caucasian, Negro, Mongolian, and other races. If a person is three-fourths Caucasian and one-fourth Indian, it is absurd, from the ethnological standpoint, to assign him to the Indian race. Yet, legally such a person may be an Indian. . . . Legal status depends not only upon biological, but also upon social factors, such as the relation of the individual concerned to a white or Indian community. . . . Social or political factors may affect the classification of an individual as an "Indian" or a "non-Indian" for legal purposes, or for certain legal purposes. Indeed, in accordance with a statute reserving jurisdiction over offenses between tribal members to a tribal court, a white man adopted into an Indian tribe has been held to be an Indian (*Nofire* v. *U.S.*, 164 U.S. 657 (1879)), and the decided cases do not foreclose the argument that a person of entirely Indian ancestry who has never

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[1] 4 Stat. 735.
[2] 9 Stat. 395, R.S. Sec. 441, 5 U.S.C. 485.
[3] 48 Stat. 984.

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> **had any relations with an Indian tribe or reservation may be considered a non-Indian for most legal purposes . . . (p. 2).**

The Trade and Intercourse Act of 1834 (Act of June 30, 1834, Sec. 25, 4 Stat. 729, R.S. § 214, 25 U.S.C. 217), lacking a definition for Indian other than the words of the statute, the courts have taken the position that an Indian "is one descriptive of an individual who has Indian blood in his veins and who is regarded as an Indian by the society of Indians among whom he lives."

In *United States* v. *Rogers* (1846), the court held that a . . . "white man cannot by association become an Indian, within the application of the foregoing statute, an Indian may, nevertheless, under some circumstances, lose his identity as an Indian."

The General Allotment Act (Act of February 8, 1887, 24 Stat. 388, 25 U.S.C. 331, *et seq.*) has held that "*Indians who are descendants of* aboriginal tribes, but who have taken up residence apart from any tribe and adopted habits of civilization, non-Indians, within the meaning of an Alaska statute defining Indians for the purpose of liquor regulation as aboriginal races inhabiting Alaska when annexed to the United States, and their descendants of the whole or half-blood who have not become citizens of the United States (*Nagle* v. *U.S.*, 191 Fed. 141 (C.C.A. 9, 1911)."

Although the statutes do not define the status of Indian of mixed Indian and other blood, *the courts have followed that an individual to be considered an Indian must not only have some degree of Indian blood but must in addition be recognized as an Indian. In determining such recognition the courts have heeded both recognition by the tribe or society of Indian and recognition by the federal government as expressed in treaty and statute.* Numerous treaties, as well as statutes, have recognized individuals of mixed blood as Indians (In at least one treaty, children are described as quarter-blood Indians. Treaty of September 29, 1817, with the Wyandot and other tribes, 7 Stat. 163.)

In *United States* v. *Higgins*, it was said: ". . . half-breed Indians are to be treated as Indians, in all respects, so long as they retain their tribal relations," (103 Fed. 348 (C.C. Mont. 1900)).

Although *Congress has classified Indians for various particular purposes, it has never laid down a classification and either specified or implied that individuals not falling within the classification were not Indians. In various enactments, classification has been passed primarily upon the presence of some quantum of Indian blood. Thus, the Indian Appropriation Act of May 25, 1918* (40 Stat. 564, 25 U.S.C. 297), provides:

> ***No appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood.***

Various special acts relating to certain tribes have provided for the removal of restrictions an alienation from lands of the members of the tribes of less than one-half Indian blood (Act of May 27, 1908, 35 Stat. 312 (Five Civilized Tribes): Act of March 3, 1921, 41 Stat. 1249 (Osage)).

In the *Act of March 4, 1931* (46 Stat. 1518), relating to the *Eastern Band of Cherokees* of North Carolina, *Congress states:*

> ***. . . that thereafter no person of less than one-sixteenth degree of said Eastern Cherokee Indian blood shall be recognized as entitled to any rights*** with the East-

ern Band of Cherokee Indians except by inheritance from a deceased member or members (p. 1518).

Congress had previously recognized Indians of less than this degree of blood in the Act of June 4, 1924 (43 Stat. 366), it provided:

> *. . . that any member of said band whose degree of Indian blood is less than one-sixteenth may, in the discretion of the Secretary of Interior, be paid a cash equivalent in lieu of an allotment of land* (p. 379).

A statutory definition of an Indian is contained in the Indian Reorganization Act (Act of June 18, 1934, 48 Stat. 984, 25 U.S.C. 461, et seq.), which in section 19 provides:

> *The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under federal jurisdiction and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of an Indian reservation; and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians* (p. 988).

In this Act as in the foregoing Acts, the definition of "Indian" is limited in its connotation to the purposes of the legislation.

Apart from statute, the administrative agencies of the Federal Government dealing with Indian Affairs commonly consider a person who is of Indian blood and a member of a tribe, regardless of degree of blood, an Indian.

Thus, the Indian Law and Order Regulations approved by the Secretary of the Interior on November 27, 1935, contain the provision:

> For the purpose of the enforcement of the regulations in this part, an Indian shall be deemed to be any person of Indian descent who is a member of any recognized Indian tribe now under Federal jurisdiction . . .

This definition exemplifies the idea that in dealing with Indians, the Federal Government is dealing primarily not with a particular race as such, but with members of certain social-political groups towards which the Federal Government has assumed special responsibilities. (See also: *Morton* v. *Mancari*, No. 73-364, which has similar language.)

The term "Indian" throughout history has never had a definitive definition that could be applied across the board for all purposes. As it can be readily seen, definitions were set by statutes, Executive Orders, and legislations for specific or particular purposes and limited only in foregoing acts. *Therefore, the Bureau policy reflects administrative regulations which classify Indians according to blood quantum for particular purposes.*

The Indian Appropriation Act of May 25, 1918, sets the one-fourth blood quantum for education purposes. In the Executive Order of January 31, 1939, Indians of one-fourth or more Indian blood were exempted, insofar as positions in the Bureau of Indian Affairs were concerned, from the Civil Service Commission examinations, and other similar statutes exist in other programs of the Bureau.[4]

Earlier, the historical section of this report described the Bureau of Indian Affairs up to 1970. Because of the Indian takeover of the Bureau of Indian Affairs in 1972, the Task Force inquiry of internal education records was limited. BIA staff indicated that the majority of their records had been destroyed. Therefore, this section of current educational activities has been developed from extensive staff interviews, review of legislative hearings, and information solicited through letters, hearings, and telephone inquiries by the Task Force.

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[4] Memorandum from BIA concerning Definition of Indian for purposes of BIA service printed in its entirety.

Indian Self-Determination

1970 was a dramatic year for policy pronouncements in Indian affairs. Former President Richard M. Nixon sent a special message to Congress on Indian policy, which pledged "self-determination without termination." His section relating to education was as follows:

> One of the saddest aspects of Indian life in the United States is the low quality of Indian education. Dropout rates for Indians are twice the national average and the average educational level for all Indians under federal supervision is less than six school years.
>
> Consistent with our policy that the Indian community should have the right to take over the control and operation of federally funded programs, we believe every Indian community wishing to do so should be able to control its own Indian schools. This control would be exercised by school boards selected by Indians and functioning much like other school boards throughout the nation. To assure that this goal is achieved, I am asking the Vice President . . . to establish a special education subcommittee . . . the subcommittee will provide technical assistance to Indian communities wishing to establish school boards . . .
>
> We must also take specific action to benefit Indian children in public schools . . .
>
> The Johnson-O'Malley money is designed to help Indian students but since funds go directly to the school districts, the Indians have little if any influence over the ways which the money is spent. I therefore propose that Congress amend the Johnson-O'Malley Act . . . to channel funds under this act directly to Indian tribes and communities. Such a provision would give Indians the ability and in some instances, to set up new school systems of their own.[5]

First, it is important to review the objectives and organization designed to carry out these policies. The Secretary of the Interior or his delegated representative, the Commissioner of Indian Affairs, has supervision over all matters relating to Indian Affairs.

Over the years, the Bureau has supported education activity in these areas:

1. Direct School operations for boarding schools, dormitories, and day schools for students from the kindergarten through post high school programs.
2. Assistance to public schools (the Johnson-O'Malley Act) by providing supplementary assistance to public school districts with tax exempt Indian land and large numbers of Indian children enrolled. In addition, this law has begun to be used to contract with tribes and educational organizations for special education problems of Indian children.
3. Career development which includes college, undergraduate and graduate scholarships, adult education services, and adult vocational training.

Education is the largest single item in the Bureau of Indian Affairs' budget. In fiscal year 1975, the request was $219,000,000.[6]

A look at the following chart of the Bureau of Indian Affairs will indicate that the Bureau is organized under a Commissioner of Indian Affairs, and his deputy, and then line authority goes to the 10 area offices in various parts of the United States.

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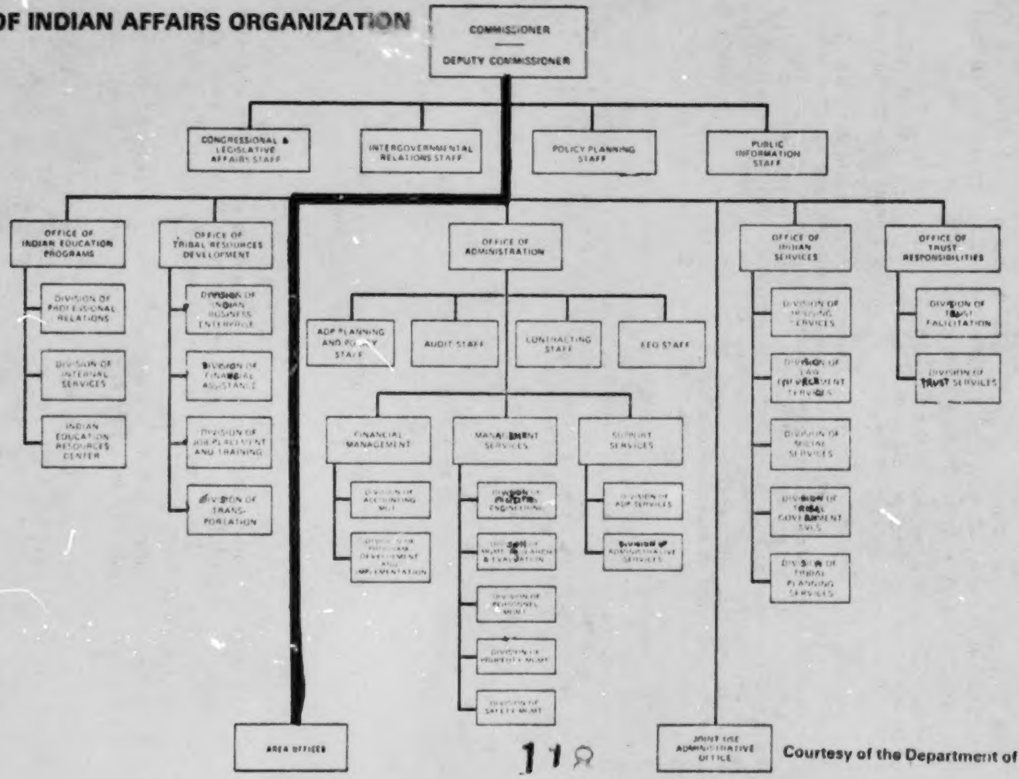
[5] H. Doc. 91-363, U.S. House of Representatives, 91st Cong. 2nd Sess., pp. 6-7.

[6] U.S. Department of Interior, "Budget Justifications, Fiscal Year 1975," Bureau of Indian Affairs, p. IA 4-12. See Appendix N for entire breakdown of area office education budget.

BUREAU OF INDIAN AFFAIRS ORGANIZATION


COMMISSIONER
DEPUTY COMMISSIONER
CONGRESSIONAL & LEGISLATIVE AFFAIRS STAFF
INTERGOVERNMENTAL RELATIONS STAFF
POLICY PLANNING STAFF
PUBLIC INFORMATION STAFF
OFFICE OF INDIAN EDUCATION PROGRAMS
DIVISION OF PROFESSIONAL RELATIONS
DIVISION OF INTERNAL SERVICES
INDIAN EDUCATION RESOURCES CENTER
OFFICE OF TRIBAL RESOURCES DEVELOPMENT
DIVISION OF INDIAN BUSINESS ENTERPRISE
DIVISION OF FINANCIAL ASSISTANCE
DIVISION OF JOB PLACEMENT AND TRAINING
DIVISION OF TRANSPORTATION
OFFICE OF ADMINISTRATION
ADP PLANNING AND POLICY STAFF
AUDIT STAFF
CONTRACTING STAFF
EEO STAFF
FINANCIAL MANAGEMENT
DIVISION OF ACCOUNTING MGT
DIVISION OF PROGRAM DEVELOPMENT AND IMPLEMENTATION
MANAGEMENT SERVICES
DIVISION OF FACILITIES ENGINEERING
DIVISION OF MGMT RESEARCH & EVALUATION
DIVISION OF PERSONNEL MGMT
DIVISION OF PROPERTY MGMT
DIVISION OF SAFETY MGMT
SUPPORT SERVICES
DIVISION OF ADP SERVICES
DIVISION OF ADMINISTRATIVE SERVICES
OFFICE OF INDIAN SERVICES
DIVISION OF HOUSING SERVICES
DIVISION OF LAW ENFORCEMENT SERVICES
DIVISION OF SOCIAL SERVICES
DIVISION OF TRIBAL GOVERNMENT SVCS
DIVISION OF TRIBAL PLANNING SERVICES
OFFICE OF TRUST RESPONSIBILITIES
DIVISION OF TRUST FACILITATION
DIVISION OF TRUST SERVICES
AREA OFFICES
JOINT USE ADMINISTRATIVE OFFICE

Courtesy of the Department of the Interior

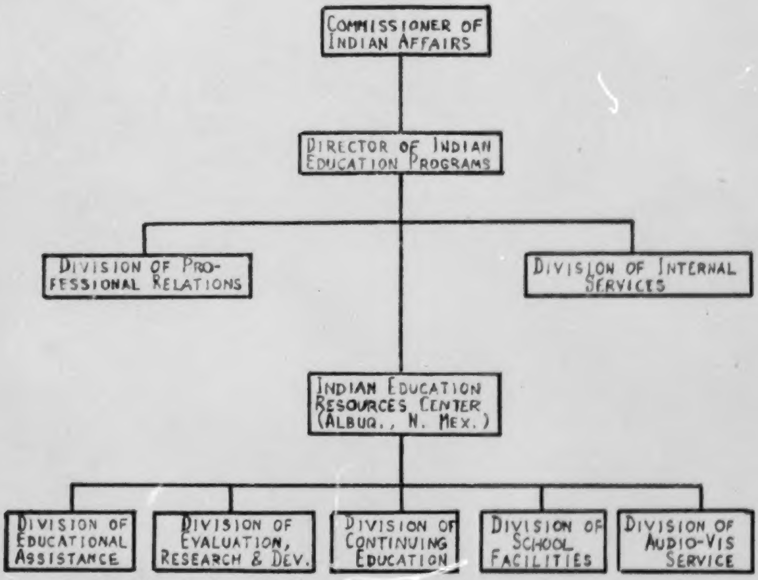
The Office of Education serves as a staff function to the Commissioner of Indian Affairs. Dr. William Demmert, Jr., testified before the Indian Education Task Force on July 9, 1976, about his position as follows:

> The Director of Indian Education Programs, as the Commissioner's top staff assistant in education, provides leadership and policy direction for education programs administered by the Bureau of Indian Affairs.
>
> Agency Superintendents have responsibility for budget formulation, and consultation with Indian tribes under the Agency, according to needs as perceived by the tribes. This includes the education budget. The Agency Superintendent presents the budget estimate for the Agency to the Area Director, who in turn prepares the education budget for submission to the Director of Indian Education Programs. The Director of Indian Education Programs has final responsibility for the preparation and justification of the Bureau's education budget, which is presented to the Commissioner of Indian Affairs for approval and inclusion in the Bureau's budget request to the Department and OMB.
>
> Relative to line and staff authority, the Area Director has line authority, i.e., responsibility for decision making and control of day-to-day operations in his Area. The Director of Indian Education Programs has staff authority, i.e., responsibility for providing staff support to the Commissioner in the development and management of Bureau programs to provide educational opportunities to Indian youth and adults in either Bureau, public, or private schools.[7]

The Education Office at the Washington, D.C. office is organized as follows:

PRESENT ORGANIZATION STRUCTURE

OFFICE OF INDIAN EDUCATION PROGRAMS - BIA


COMMISSIONER OF INDIAN AFFAIRS
DIRECTOR OF INDIAN EDUCATION PROGRAMS
DIVISION OF PROFESSIONAL RELATIONS
DIVISION OF INTERNAL SERVICES
INDIAN EDUCATION RESOURCES CENTER (ALBUQ., N. MEX.)
DIVISION OF EDUCATIONAL ASSISTANCE
DIVISION OF EVALUATION, RESEARCH & DEV.
DIVISION OF CONTINUING EDUCATION
DIVISION OF SCHOOL FACILITIES
DIVISION OF AUDIO-VIS SERVICE

Source: BIA Office of Education.

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[7] U.S. Congress, Senate, American Indian Policy Review Commission, unpublished Hearings before the Task Force on Indian Education, 94th Cong. 2d Sess., July 9, 1976, p. 106. (Cited hereinafter as Indian Education Task Force Hearings)

This organization was approved in 1972 by Commissioner Morris Thompson. The Education Office maintains two divisions in Washington, D.C., and one in Albuquerque, New Mexico. The Washington staff is concerned with liaison with federal and other agencies regarding Indian education programs and needs; with a review and analysis of new and proposed legislation; with budget policies and standards, and correspondence. The Indian Education Resources Center or the field service in Albuquerque provides assistance for continuing education, evaluation, research and development, educational assistance, school facilities, and media services. It was organized to locate BIA's educational resources closer to the schools and communities.[8]

In addition to the central office education staff, the Bureau of Indian Affairs has education staff at the area and local agency levels. The area office education staff is to render technical assistance to off-reservation boarding schools under their jurisdiction and day and reservation boarding schools at the local level. In addition, the area education staff plays a vital role in granting higher education scholarships to Indian undergraduate and graduate students. While there is no set pattern for education staff organization at the area office, the following charts serve to illustrate one such office.

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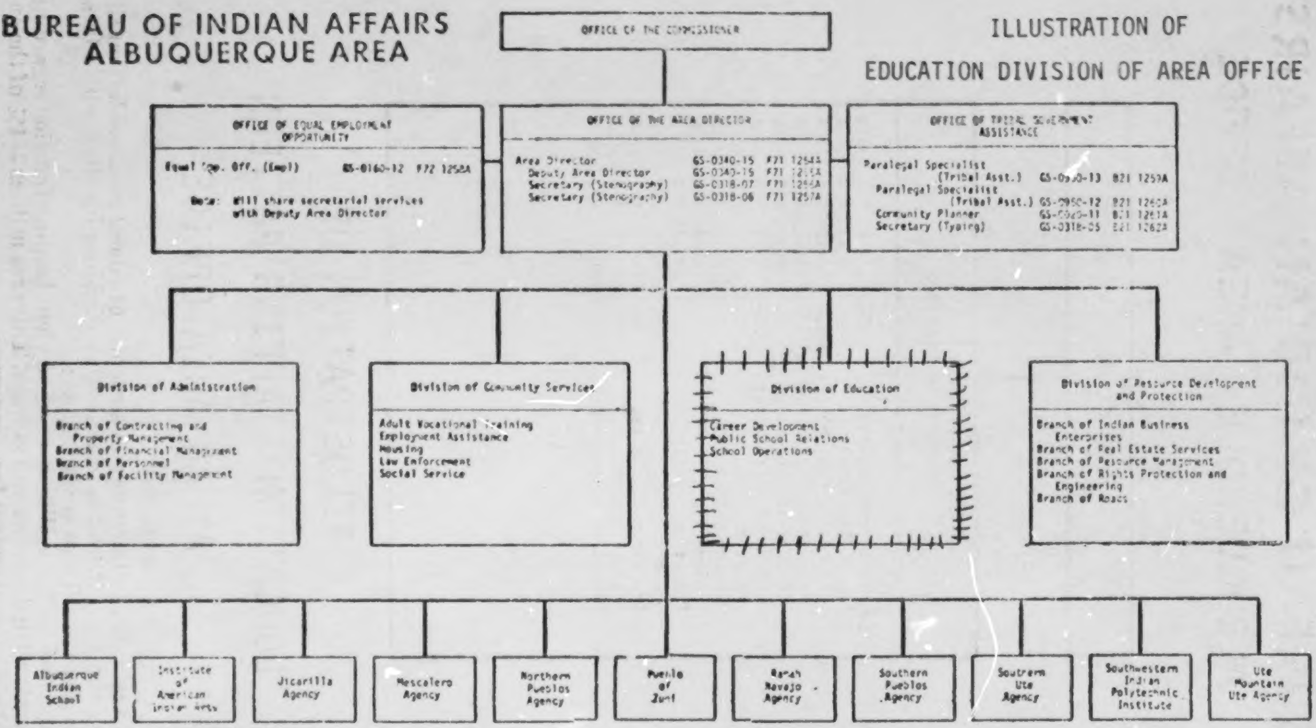
[8] Memorandum from Dr. William Beneham, Administrator, Indian Education Resources Center, Education Division, Bureau of Indian Affairs, June, 1976.

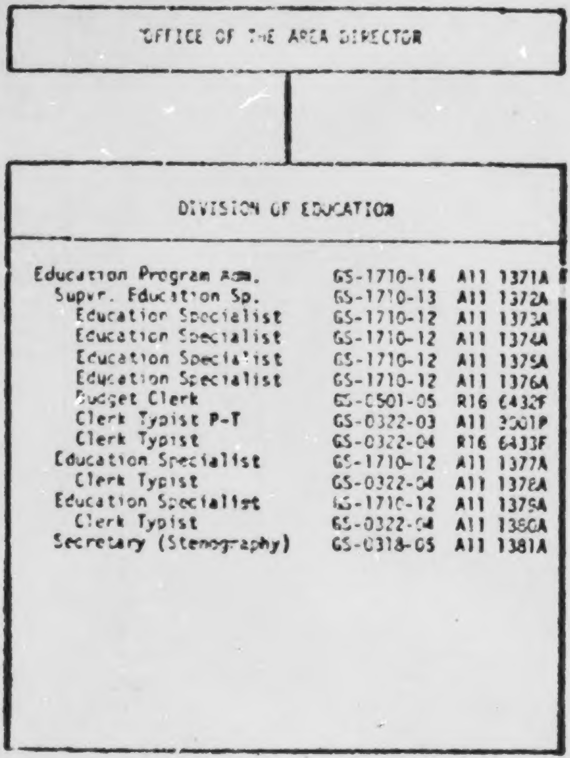
BUREAU OF INDIAN AFFAIRS
ALBUQUERQUE AREA

ILLUSTRATION OF
EDUCATION DIVISION OF AREA OFFICE


OFFICE OF THE COMMISSIONER
OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY
Equal Opp. Off. (Empl) GS-0160-12 F72 1252A
Note: Will share secretarial services with Deputy Area Director
OFFICE OF THE AREA DIRECTOR
Area Director GS-0340-15 F71 1254A
Deputy Area Director GS-0340-15 F71 1255A
Secretary (Stenography) GS-0318-07 F71 1256A
Secretary (Stenography) GS-0318-06 F71 1257A
OFFICE OF TRIBAL GOVERNMENT ASSISTANCE
Paralegal Specialist (Tribal Asst.) GS-0950-13 821 1259A
Paralegal Specialist (Tribal Asst.) GS-0950-12 821 1260A
Community Planner GS-0020-11 821 1261A
Secretary (Typing) GS-0318-05 821 1262A
Division of Administration
Branch of Contracting and Property Management
Branch of Financial Management
Branch of Personnel
Branch of Facility Management
Division of Community Services
Adult Vocational Training
Employment Assistance
Housing
Law Enforcement
Social Service
Division of Education
Career Development
Public School Relations
School Operations
Division of Resource Development and Protection
Branch of Indian Business Enterprises
Branch of Real Estate Services
Branch of Resource Management
Branch of Rights Protection and Engineering
Branch of Roads
Albuquerque Indian School
Institute of American Indian Arts
Jicarilla Agency
Mescalero Agency
Northern Pueblos Agency
Pueblo of Zuni
Ramah Navajo Agency
Southern Pueblos Agency
Southern Ute Agency
Southwestern Indian Polytechnic Institute
Ute Mountain Ute Agency

Source : BIA, Office of Education.

BUREAU OF INDIAN AFFAIRS
ALBUQUERQUE AREA OFFICE



Education Program Adm.	GS-1710-14	A11	1371A
Supvr. Education Sp.	GS-1710-13	A11	1372A
Education Specialist	GS-1710-12	A11	1373A
Education Specialist	GS-1710-12	A11	1374A
Education Specialist	GS-1710-12	A11	1375A
Education Specialist	GS-1710-12	A11	1376A
Budget Clerk	GS-0501-05	R16	6432F
Clerk Typist P-T	GS-0322-03	A11	3001P
Clerk Typist	GS-0322-04	R16	6433F
Education Specialist	GS-1710-12	A11	1377A
Clerk Typist	GS-0322-04	A11	1378A
Education Specialist	GS-1710-12	A11	1379A
Clerk Typist	GS-0322-04	A11	1380A
Secretary (Stenography)	GS-0318-05	A11	1381A

ILLUSTRATION OF

EDUCATION STAFFING PATTERN

AT AN AREA OFFICE

Source: BIA, Office of Education.

In addition to the program structure of education described on the previous page, there are several other divisions involved with education programs. These are as follows:

Administration.—Which serves as a houskeeping function regarding payroll related services and postage. This area utilizes 3–4% of the annual educational budget for this purpose.

Plant Maintenance and Management.—Which acts as the architect, planner, designer and manages all BIA facilities, including education.

Financial Management.—Serves as an advisory staff to each of the Bureau Divisions, including education. This unit assists in the development of the budget, and serves as a coordination for special statistical analysis.

Welfare and Social Service.—Operates to identify children who should be placed in off-reservation boarding schools for social reasons.

All of these services impinge on education, although they operate out of other divisions within the Bureau. It is important to remember in any review of Indian education that all these services can either serve to undergird or undercut an effective educational effort. The Commissioner of Indian Affairs rather than the education director becomes the major leader in focusing the coordination and support from critical divisions.

Louis R. Bruce became Commissioner of Indian Affairs under former President Richard M. Nixon in 1969. One of the Commissioner's first actions was to announce a "realignment of top positions in the BIA central office and appoint a new executive staff composed of fifteen Indians and Alaskan natives." [9] This new team set about to develop the policies and programs to carry out former President Nixon's message to the Congress. Commissioner Bruce announced five policy goals in November, 1970. These were as follow:

1. transformation of the BIA from a management to a service organization;
2. reaffirmation of the trust status of Indian land;
3. making the BIA area offices fully responsive to the Indian people they serve;
4. providing tribes with the option of taking over any or all BIA program functions, with the understanding that the Bureau will provide assistance or reassume control if requested to do so; and
5. working with Indian organizations to become a strong advocate of off-reservation Indian interests.[10]

Many tribes were very cautious of this new pronouncement. In fact, the Zuni Pueblo of New Mexico and the Miccosukee of Florida were the only tribes interested in fully pursuing this policy.

Two years later, in January 1972, Commissioner Bruce announced a "redirection" of the BIA programs. A five point program was designed to assist Indians "toward self-determination through economic, educational, and social development on the reservations." [11]

In education, Commissioner Bruce stated, "for Indian educational programs to become truly responsive to the needs of Indian children and parents, . . . control of those programs should be in the hands of the Indian communities . . . We hope to have at least half of all BIA schools under Indian direction by 1976." [12]

Commissioner Bruce stated that his staff were "working on establishing goals in education . . . (to) measure our own progress over the four-year period 1972–1976 . . . to establish a management information system, (to) monitor our programs' successes and failure and . . . to establish a student bill of rights . . . by the opening of the 1972 fall term." [13]

Under Commissioner Bruce's administration, the education office had been operated by a number of acting directors, until 1971, when

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[9] Louis R. Bruce, The Bureau of Indian Affairs, 1972, p. 243.
[10] *Ibid.*, pp. 243–244.
[11] *Ibid.*, p. 245.
[12] *Ibid.*, p. 247.
[13] *Ibid.*, p. 248.

James E. Hawkins was approved as the director. The acting directors had kept the office going in the same direction, but developed no policy to implement the Commissioner's program. They appear to have only sought additional monies for kindergartens, scholarships, construction, and assistance to public school districts through Johnson-O'Malley funds.

James Hawkins appears to have formalized the policy of contracting for Indian control of schools. While no policy directives are found in the BIA manuals, a number of memoranda on the subject came out of the director's office.

Until this time, Rough Rock Demonstration School was the only contract school. During Mr. Hawkins' term, five other schools were added to the Indian contract list. These were Wyoming Indian High School, St. Francis Indian School, Ramah Navajo School, Busby School and Rocky Boy. These schools became contract facilities over the objection of the Area Directors and only by Congressional oversight to force action out of the Bureau of Indian Affairs. In spite of the President and Commissioner's support of Indian controlled schools, there was no operational policy to enhance and support this.

Scholarships for undergraduate and graduate assistance to Indian young people were greatly increased during this period. During James Hawkins' tenure, scholarship assistance increased from $6 to $15 million. These increased funds allowed assistance to the number of Indian students enrolled to increase students.

Assistance for public schools and limited tribal contracting for Johnson-O'Malley funds also saw a steady increase during this time. From fiscal year 1972 to fiscal year 1973, these monies increased from $17 to $23 million. Indian parent committees were appointed to JOM programs and limited training for these boards was begun.[14]

The policy towards federal boarding schools was to publicly acknowledge that as soon as school facilities were available on the reservations, these schools were to evaluate and develop plans for running these schools. Intermountain and Chilocco Indian Schools were the scene of active unrest among the students. Evaluation Teams from the BIA and visiting committees evaluated the schools and called for staff turnover, reorganization of educational programs, and more respect for student rights.

The National Indian Education Advisory Council to the Bureau of Indian Affairs continued to operate during this period. This council coordinated national school board training sessions for the BIA advisory boards and rendered limited technical assistance and oversight concerning the BIA schools.[15]

This period saw the expansion of the following programs: early childhood education, and school/community financial assistance for undergraduate and graduate students, particularly in the various professions of education, law, and medicine.

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[14] Statement by James E. Hawkins, Former Director, Education, Bureau of Indian Affairs, Reston, Va., August 1, 1976.

[15] This Advisory Council was established in 1966 by the Commissioner of Indian Affairs. Although it has not been active since 1973, it is still in existence. The Council coordinated advisory school board training sessions and advised the Education Director on policy matters.

Commissioner Bruce left the Bureau in 1973 and was succeeded by Morris Thompson. In the Senate confirmation hearings, Thompson stated:

> We must establish the highest standards possible and insure that those standards are met. We must utilize the most modern education techniques available and also develop new ones. We must provide the best materials, equipment and facilities available. In short, we must be sure that each dollar appropriated for Indian education is spent wisely, whether through Bureau operated systems or through other systems.[16]

Commissioner Thompson spoke to a number of national Indian organizations one month after assuming office, December, 1973. His theme to these groups was, "our goal is quality in elementary schools, in high schools and in college education for Indians."[17]

By November, 1974, Commissioner Thompson was citing Indian control as a major education goal for the Bureau. In a speech to the National Indian Education Association, he declared, "I think it is safe to say that from any angle you want to look at the Bureau's education program today—and increasingly so in the future—you will see emblazoned on the school walls: Indian control."[18] In citing the types of Indian control, Commissioner Thompson devoted his speech specifically to illustrating the depth of his pledge. He stated:

> Do you want to talk management control? The Bureau has a fiscal year 1975 objective of bringing at least 50 of its schools under local management option by the end of this fiscal year.
>
> Do you want to talk dollar control? About $25,000,000 of Bureau education money has come under Indian control through contracting and we expect that figure to increase geometrically for the rest of the decade.
>
> Do you want to talk school control? Fourteen Bureau schools are now under contract to Indian people, sixteen tribes are contracting to run their own higher education programs.
>
> Do you want to talk program control? The Albuquerque area has contracted out one hundred percent of its higher education and JOM monies to Indian tribes or groups, Navajo area office will probably follow suit soon. The Juneau and Minneapolis areas have substantial portions of these programs contracted out.
>
> Do you want to talk administrative control? The JOM regulations we are now operating under were, in the main, developed by Indian people. We have begun to revise the manual of operations where it applies to Indian education for the first time since 1933. Before drafting the "goals" section of that manual, we surveyed 3,000 Indian parents, educators, students, and school boards to get their views on what these goals should be. Other parts of the revision will be sent out for tribal review before adoption by the Bureau as permanent parts of the BIA manual.
>
> Do you want to talk curriculum control? The Bureau has an advisory school board for all its schools, and they are becoming a potent force in the area of curriculum development. We are moving toward the creation of Boards of Regents for the off-reservation boarding schools.
>
> Do you want to talk staffing control? Under the recent *Mancari* decision, the number of Indian teachers in the classroom and in the administration of Bureau schools should increase significantly for the rest of the decade.[19]

This statement certainly sounded like policy focus and fulfillment for Indian control by the Bureau of Indian Affairs.

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[16] U.S. Congress, Senate, Committee on Interior and Insular Affairs, Interior Nomination, 93d Cong., 1st Sess., 1973, p. 23.

[17] Morris Thompson, Commissioner of Indian Affairs, in a speech to the National Tribal Chairman's Association, at Phoenix, Arizona, December 6, 1973, p. 3.

[18] *Idem.*, in a speech to the National Indian Education Association, at Phoenix, Arizona, November 13, 1974, p. 2.

[19] Ibid.

Yet, under Commissioner Thompson, the education director's position was vacant for long periods of time. Clement Sockey became the director in late 1974 and stayed until the middle of 1975. Then, a series of acting directors headed the office until the recent appointment of Dr. William Demmert in June, 1976.

In assessing the policy of this period, it is important to review the Commissioners Bruce and Thompson administrations together. Both administrations were pledged to self-determination by former President Nixon's Special Congressional Message.

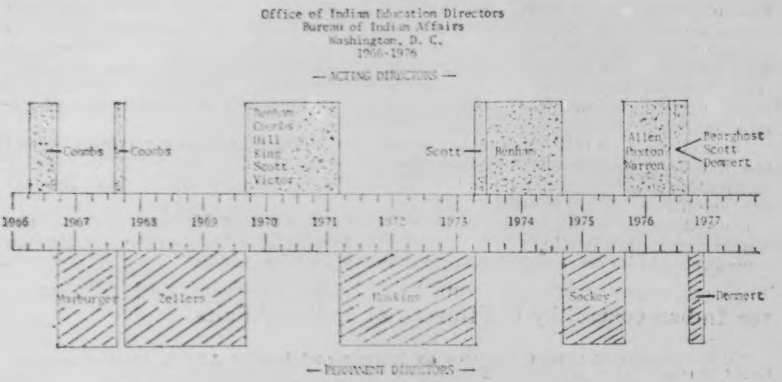
For purposes of this Task Force, a review was conducted of policy directives, administration relating to these, program budget, persistent needs, and concrete accomplishments.

The policy directions have been spelled out above. These were basically, in education, a move towards Indian control and an increasing number of Indian children in public schools. The boarding school policy, although declared to be "closest to home," in reality turned out to be a no policy area unless Congress mandated a continuation of policy as in the case of Intermountain Indian School in Utah. The set aside funds for BIA schools from USOE continued to expand during this period, and BIA was treated like a "state department of education" for purposes of funds and project approvals. Scholarship assistance for undergraduates and graduates particularly in the professions expanded.

Administration

During this period, from 1969 to 1976, the education office was reorganized six times. Each time the reorganization seemed to be pinpointing a need for higher administrative status for education and a more direct technical assistance and field effort to the schools and tribal educational activities.

The chart below illustrates the short tenure of permanent education directors and the constant use of acting directors:



a. In the past 10 years (1966–1976), 15 persons have been charged with the Directorship of Indian Education Programs.

b. Of the 15 persons, 4, or 27 percent, were given permanent status as Director of Education (excluding Demmert who received permanent status July 1976).

c. During the 10 years, approximately 73 percent of the 15 Directors served in acting capacity.

d. In the 10 years (one decade), approximately 40 percent of that time was given to temporary Directorship.

e. The average length of time spent in office by each of the Directors is 6.6 months.

Source: Compiled by Task Force 5 from information submitted by BIA.

Needless to say, with such a swiveling director's chair in education, there was very little direction to policy beyond the rhetoric stage.

Several items were developed during this time and placed in the education administrator's bible (BIA manual). These were: (1) the approval of criterion referenced tests as a measurement standard for the evaluation of students, (2) the development of a student bill of rights, and (3) general directions for Indian education organizations to contract for educational programs.

What is most indicative of this period is the fact that with a major policy shift toward Indian control, the administrator's bible, which everyone in the field in BIA uses as the "living word", is still substantially a document which reflects the policy of the 1950's and early 1960's. Although the Bureau of Indian Affairs declares the Manual has been in a process of revision for two years, the Task Force did not see any revised material.

Although Indian preference was a policy of this era, a review by the Task Force of educational personnel indicated 6,250 employees, of whom 4,007 were Indians.[20] Except for placing a few Indians in high level jobs, Indian preference in education does not seem to be having an impact. The persistent problem of what to do with civil service staff who are not working well with the Indian community or administration is still a subject for complaint by Indian parents, tribal leaders, and administrators.

Budget Provisions

The Bureau of Indian Affairs' education budget expanded rapidly during this period, from $96,485,000 in fiscal year 1964 to $243,590,000 in fiscal year 1976, the education budget was almost tripled.

An overview of the broad budget categories was provided as follows:

	School operations	Higher education	Johnson O'malley	Adult education	Adult vocational training	Total appropriation
Fiscal year:						
1972	127,090	15,248	22,600			164,938
1973	138,990	20,956	24,400			184,346
1974	129,793	22,556	25,352	2,366	18,878	198,945
1975	143,747	32,045	28,352	2,666	19,685	226,495
1976	156,729	33,119	30,952	2,703	20,087	[1] 243,590

[1] Indian Education Task Force Hearings, Washington, D.C. p. 3.

Note: Fiscal year 1972 and fiscal year 1973 allotment account 1740. Fiscal year 1974, fiscal year 1975, and fiscal year 1976 allotment accounts 1740, 1768, and 1785.

This budget reflects support for the federal school system from Alaska to Florida, with 213 elementary, secondary schools, and three post-secondary institutions. In addition, adult education services, special program support to colleges and universities, and Indian controlled contract schools are included.[21]

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[20] Statement by Meekey Dowdy, Financial Management staff, Bureau of Indian Affairs, Washington, D.C., August 1976.

Although Indian control of education has been the official policy since 1970, there are only fifteen such schools under contract.[22] In fiscal year 1975, only approximately $5.4 million was allocated to these schools. It would appear that this view of Indian control which was declared in Washington has had little effect on the Bureau of Indian Affairs' area and local offices. In the section of this report on community controlled schools, it is evident that budget and contracting runarounds, both at area office and the central office, have made the survival of these schools most difficult. The Bureau of Indian Affairs Manual provides guidelines (20 BIAM 6) for education services through Indian tribes. This section creates much higher standards for the contract schools than the regular BIA schools. In addition, it sets out a clear timeline for moving towards a contract school with the attendant proposal requirements. Yet, it is evident from the Task Force hearings that the Bureau of Indian Affairs ignores its own timeline when working with tribes and education organizations interested in becoming contract schools.

Bilingual Education

In 1951, the BIA Manual set out the following directive concerning the use of Native languages:

> It is self-evident that the first step in any program of instruction must be to develop in the children the ability to speak, understand, and think in the English language. Every effort shall be made to provide activities and other forms of encouragement for children to use English in their daily association in the classroom, in the dormitories, and on the playgrounds. However, as language expression is essential to the development of thought, the use of native languages by Indian children *may not be forbidden*. In fact, it has been determined experimentally that the use of teacher-interpreters to clarify English meaning in the early grades greatly speeds up the acquisition of English.[23]

This statement comes closest to acknowledging that Indian language can be utilized in the Bureau of Indian Affairs' classrooms. Yet, the Task Force has not uncovered a definite bilingual policy in the education division of the Bureau. In fact, an evaluation conducted by the Indian Education Resource Center in 1975 indicates that 60% of the children attending BIA schools speak their native languages. The only effort being made by the Bureau in this area is through the ESEA set-asides, Title I (Compensatory Education) and Title VII (Bilingual Education). In fiscal year 1975, $1,056,035 was provided for bilingual education monies. In spite of the recent *Lau* v. *Nichols* decision that special language instruction be a part of the school curriculum, the Bureau of Indian Affairs has not sought to implement a policy in this area.

Early Childhood Education

In 1966, Commissioner Robert Bennette began organizing kindergartens for young Indian children. These kindergartens were modeled after the headstart programs, which were launched under the Office of

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[21] Indian Education Task Force Hearings, Washington, p. 3.

[22] See list of Indian Controlled schools in Appendix P.

[23] 62 Indian Affairs Manual, Vol. VI, Community Services, Part III, Education Section 402.01. (Cited hereinafter as I.A.M.)

Economic Opportunity. In addition to kindergartens, the Bureau has assisted in the development of two pilot projects with the Mississippi Choctaws and the Acoma Pueblo in New Mexico. These projects concentrate BIA efforts from kindergarten through 8th grade. These projects are to pinpoint ways of bringing total family involvement and the child and community and social services together.

This year, an early childhood assessment was conducted which indicated that:

> Existing educational programs serving Native Americans are inadequate and insufficient. They are inadequate in their responsiveness to the culture and life experiences of the children and families, . . . in staff training and development, . . . in programs for handicapped children or for children who show unusual promise, . . . in many communities there are no programs available for many families who would like them, . . . because Native Americans do not exercise control over the education of their own children.[34]

It is apparent that early childhood education is expanding at the BIA. However, there was no evidence of coordination with other federal agencies or clear identification of directed planning on this area.

The Bureau of Indian Affairs operates three types of schools for Indian children and provides related education services in dormitories and hospital schools. In school year 1974, there were: 32,456 students in boarding schools; 17,068 students in day schools; and 3,384 students in dormitories.

The announced policy of the Bureau is to send these students closest to home for education. Yet, the section on boarding schools indicates that this policy has not been adhered to. As indicated in the section on off-reservation boarding schools, 17 tribes send the majority of students to these schools.

The on-reservation boarding schools are operated primarily in Navajo and Aberdeen whereas the majority of day schools are operated in Juneau areas. Dormitories are provided primarily in the Navajo areas for students to attend public schools.

Policywise, it appears that no program direction or monitoring have been given to these schools since the 1950's. In most instances, it has been left up to the local superintendent, principal, and staff to determine curriculum and related programs for their schools. Although the Bureau of Indian Affairs indicated that it has in existence over 200 advisory school boards, it does not appear, to the limited sample conducted by the Task Force, that they have real power, financing, or training. The exception to this statement would be area inter-tribal school boards and those organized for the off-reservation boarding schools. These latter boards have been playing an active role in planning, evaluation, and limited contract services for their schools.

School Construction and Renovation

In the area of school construction, the Bureau of Indian Affairs has school plant facilities with a capital worth of $1,137,000,000. These facilities are made up of a variety of buildings and utility systems ranging from a complete 1,000 student boarding school to a one-classroom day school. Their condition, age and use is as diverse as the various geographic locations. These facilities range from modern, functional, and excellent condition to unsafe, hazardous, and dilapidated buildings, which should have been torn down years ago. Apparently, it has not been possible to close these facilities because of needed space and limited funds to provide new buildings.

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[34] Letter from Herbert Zimiles, Project Director, Early Childhood Needs Assessment for Native Americans, to Director of Education, Bureau of Indian Affairs, Washington, D.C., May 1976.

There is a $70 million renovation need and a $300 million construction backlog for BIA schools.[25] Since the emphasis under Presidents Dwight Eisenhower and John F. Kennedy to make sure each child had a desk, there has been virtually no substantial construction monies provided. In spite of unsafe and dilapidated buildings and the overcrowded dormitories, which created safety hazards, neither Congress nor the BIA administration has given this area priority or serious attention. In the last several years, a number of studies have pinpointed both the critical need for BIA and public schools in this area.[26] Because of the Office of Management and Budget restrictions on construction, the critical needs for BIA and public schools serving Indians have continued to mount. The last several years, the Bureau has had to encourage their own schools, the newly emerging contract schools, and the public schools to seek a congressional add-on to meet their need.

The backlog of construction needs for public schools serving Indian students from reservations has spiralled because of the limited appropriations in Public Law 815.

Construction needs for the Indian controlled schools have just begun to be assessed by the BIA. Based on a review of this procedure by Task Force staff, it appears that the needs of these schools will receive limited priority listing since they must compete with regular BIA and public schools. In addition, the Bureau of Indian Affairs appears to be waiting for appropriations for Public Law 638 (the Indian Self-Determination and Educational Assistance Act) prior to meeting their needs.

It appears to the Task Force that Indian school construction has been a policy of "who is successful at Congressional add-ons" these last ten years.

Special Education

In assessing this area, the Task Force staff found two separate sets of reports concerning handicapped children. Because of the absolute neglect of the Bureau in this area, a highlight of these findings will be included.

The first findings relating to a 1970 report are as follows:

> The fundamental purpose of Special Education is the same as that for regular education: the optimal development of the individual as a skillful, free, and purposeful person, able to plan and manage his own life and to reach his highest potential as an individual and as a member of society. To make this a reality, categorical funding is necessary to assure access to and benefit from appropriate school programs for all handicapped Indian children, and to improve the quantity and quality of related services to these handicapped children.

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[25] Statement by John Carmody of the School Construction and Facilities Office, Education Division, BIA, Washington, D.C., July 9, 1976 and Pat Donnelly School Facilities and Renovation staff, BIA, Washington, D.C., August 8, 1976.

[26] For a general discussion of this area, see "Public School Survey of Construction and Needs Related to the Education of Reservation Indian Children," prepared for the Bureau of Indian Affairs by National Indian Training and Research Center, 1973. To review charts of present construction need see Appendixes.

Of 2,030 Bureau of Indian Affairs students tested by the University of Tulsa in the fall of 1970, 76 percent had vision, speech, or hearing problems. These were students in BIA schools located in Oklahoma and Mississippi. "Indian school students appear to have about twice as many individuals who have language difficulties as would be found in a public school," according to the final report of Arizona State University after evaluating the students at Phoenix Indian School.

Such studies as above indicate that there are over 19,000 children enrolled in BIA schools who are in need of special educational services, which places the incidence at a conservative figure of 35 percent. These children include those handicapped by intellectual, behavioral, physical or sensory anomalies.

To improve the quantity and quality of instructional and related services to exceptional children, and integrated services system would be designed with the following components:

1. Identification, diagnosis, and prescription;
2. Prevention;
3. Education, instruction, and treatment;
4. Coordinated support services; and
5. Manpower training.

Types of direct services to students would include:

1. Speech Therapy.
2. Hearing Therapy.
3. Services to the Vision Impaired.
4. Psychological and Testing Services.
5. Itinerant Teacher Services.
6. Resource rooms, where students may go for portions of the school day for special help in reading, math, or other areas. (These rooms to be staffed by qualified and adequately trained personnel.)
7. Special education classes designed to meet the needs of handicapped children, with group sizes of from 8 to 15 students, depending upon the handicapping condition.

Special Education and Gifted and Talented Programs

It is anticipated that direct funding for Special Education services will result in:

1. The provision of proper special services (speech therapy, appropriate instruction, etc.) for those students needing special education services.
2. A systematic program of screening, testing, evaluation, diagnosis, and prescriptive referral.
3. Coordination and utilization of services for handicapped children (including personnel, facilities, information sharing, and a program of public awareness).

It is reasonable to expect that there will be a decrease in the number of handicapped students who drop out of school, and that there will be an increase of students who will be able to learn to lead normal, productive lives as a result of these services.

The slow learner receives special assistance through compensatory education programs as well as from specially designed curricula within general school operations. Regrettably, gifted and talented students are frequently overlooked.[27]

Although the above statements are a part of the fiscal year 1978 strategy planning, the BIA reported to Congress in March, 1976, on the number of handicapped children as follows:

A survey of children enrolled in BIA schools in 1972 estimated that a total of 19,456 students were in need of special education, but that only 3,175 were receiving it. These totals were compiled by Steve Anderson of the Phoenix Area Office on behalf of the Central Office, using area reports brought to the June, 1972, special education workshop at the National Indian Training Center. Areas com-

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[27] FY 1978, "Education Program Strategy Paper," Office of Indian Education Programs, BIA, undated, pp. 3–4.

> piling the reports used USOE criteria and definitions for the areas of exceptionality. Due to limited resources, informal assessment procedures were used to a great extent. The survey showed that special education was being provided in the following categories of exceptionality:

	Receiving services	Not served
Hard of hearing	467	856
Crippled or orthopedically impaired	20	564
Trainable mentally retarded	83	313
Gifted	90	417
Language disorders	177	408
Deaf	25	59
Other health impaired	32	27
Visually impaired	464	1,624
Educable mentally retarded	1,105	1,405
Emotionally disturbed	310	2,880
Slow learner	234	2,063
Speech impaired	259	1,241
Learning disabled	449	3,467
Socially maladjusted	0	417
Total	3,715	15,741

> The use of USOE categorical definitions does not necessarily reflect an accurate picture of handicapping conditions for Indian students. This is particularly true of Indian children who would appear to be marginally handicapped by standardized teaching procedures. The seriously handicapped children will fit more closely to the normative data obtained from standardized measures.[28]

In the same materials given to the House Education Subcommittee, these answers were provided concerning the gifted and talented:

> Three years ago the Bureau operated three special programs for gifted Indian children at three separate schools on the Navajo Reservation. These were largely generated by individual teachers and funded with Title I funds. Since the Bureau was informed that this was a misapplication of Title I funds, these programs were discontinued and there are none at this time.
>
> The Division of Continuing Education has been in constant contact with the USOE Office for Gifted and Talented in an effort to obtain support for its efforts in this area of endeavor. Unfortunately, USOE has had no program funds with which to provide support of a financial nature.
>
> The Division of Continuing Education has had representation at USOE sponsored conferences on education for the gifted and talented.
>
> One problem that constantly reoccurs is the omission of the BIA from the terminology of proposed legislation on this subject. A recent example of this was H.R. 5013, "Title VIII Gifted and Talented Educational Assistance," a bill submitted by Mr. Helstoski on March 17, 1975. We have asked that the bill be amended to include the BIA.
>
> The Division of Continuing Education has also responded to the USOE proposed rules published in the Federal Register of July 22, 1975, requesting that the BIA be granted quasi Statehood status relative to the administration of the program for the Education of the Gifted and Talented.
>
> If the BIA should be successful in its quest for categorical funding for special education, most certainly a line item should be included for service to the gifted and talented.[29]

It is clear from the previous statements that the Bureau has no policy in either of these critical educational areas. It also appears that the education division has not aggressively sought to develop and obtain policy in this area. They have been content to complain about USOE's effort and send Indian groups to seek funds from Title IV, the Indian Education Act.

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[28] U.S. Congress, House Education Subcommittee on Elementary, Secondary, and Vocational Education, Materials submitted from the BIA Education Division, March 1976, p. 65.

[29] *Ibid.*, p. 73.

Funding the States

The Johnson-O'Malley Act (JOM) served until recently as a primary mechanism for funding states and local education agencies for educating Indian children from reservations. This legislation grew out of a search by the Congress for funding alternatives for "scattered Indians" who were in need of education by local education agencies. As the years progressed, the debate became whether to use this money for basic operating monies or supplementary education programs. In addition, the last five years have seen a rising tide of Indian opinion, which felt that JOM should be contracted to them. Last year, Congress passed Public Law 638 (the Indian Self-Determination and Education Assistance Act), which amended JOM to permit contracting by tribes and Indian organizations and continued contracting by states. The Task Force felt it was not posible to assess the effects of Public Law 638 because of our limited life span and the newness of the program. Therefore, our review of JOM was for the previous decade.

Appropriations for JOM have increased from $7 million to $27 million during this decade. In fiscal year 1976, these moneys supported supplemental programs for 115,000 Indian reservation students. These monies were used for a variety of programs--basic skills, remedial work, specialized reading, cultural enrichment, parental involvement, parental costs for students, and home school coordination.

The basic funding pattern of JOM is in a state of flux. The pressure from Indian tribes and organizations in the past five years resulted in a redirection in the JOM programs. Supplemental services rather than basic support became the focus to tribes and Indian educational organizations rather than states. Parental involvement had been mandated earlier and has become more effective in the last several years.

However, several evaluations by private organizations in the past two years pinpointed the need for closer monitoring of Johnson-O'Malley monies and a direction of the programs into supplemental services to Indian tribes and educational organizations.[30]

The Bureau of Indian Affairs' policy towards funding the states has been persistent for many years. Initially, it was a student tuition plan, then a set amount of money to local education agencies in various counties, and then a contract with various states (JOM). For each of these groups, the Congress has appropriated the monies and the Bureau of Indian Affairs has executed the contract with very little auditing and monitoring. As the appropriations increased and the level of education involvement by the Indian community developed, a growing interest in impacting these funds became evident. As Indian involvement grew, the change of policy slowly began to shift. After a number of national studies and a number of lawsuits pinpointed the scandals in this area, the BIA has begun to monitor more closely these monies. With the recent passage of the Indian Self-Determination and Education Assistance Act, the policy is beginning to acknowledge Indian control of program funds and active parental control over programs in the public schools.

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[30] For example, see USOE/BIA Study of Impact of Federal Funds on Local Education Agencies Enrolling Indian Children. ACKCO, Inc., 1974; Impact of Title I, ESEA, Title IV, IEA, and JOM on PL 638, NIEA, 1975.

The new JOM regulations eliminate Indian tax exempt land (on or near a reservation) as a prerequisite for determining eligibility and further declares recipients to be Indians recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians. The Bureau commissioned a special study of potential eligible Indian students throughout the United States for participation in JOM services. This survey concluded that the potential population is 215,403 students.[31] A review of the survey chart in the appendix at page 331 will reveal that only twenty-five states were included in the survey. The chart also reveals that there is wide discrepancy between these students identified for this survey and those identified for participation in Indian Education Act.

As the Task Force hearings point out, in a later section of this report, much remains to be done in focusing the programs, training the parent committees and school administrators, and effectively monitoring where the monies go and how they are spent.

Adult Education and Adult Vocational Training Services

Throughout the history of Indian affairs, adult education has taken many forms. As indicated in the historical section, adult education like the education of Indian children has been used as an instrument of political policy periods to retrain adults to fit into the American society.

The past decade has seen adult education of reservation Indians follow primarily a continuing education vein. According to former education director James E. Hawkins, the Office of Management and Budget and the Congress do not seem to respond to the need for literacy training or for high school equivalency programs.

In 1970, the Bureau estimated that there were 75,000 functionally illiterate adults (i.e., ability to perform at the fifth grade level). They requested $1,791,000 for fiscal year 1971.[32] In fiscal year 1975, the request for this program was $2,620,000. The program emphasis was still listed as "preparation for high school equivalency examinations and basic literacy." Courses were also being offered in consumer affairs, nutrition, safety, civics and language and culture.[33] The Bureau estimated that 1,000 adults had participated in this program, and 1,200 individuals had received their high school equivalencies.

The adult vocational training program (Public Law 959) was passed in 1959 and was used to assist the Indian relocation program in training for employment. Although relocation is no longer an official policy of the Bureau, adult vocational training is still utilized to train and support Indians for work off the reservation. In fiscal year 1973, the last year statistics were supplied, some 7,609 individuals entered various vocational training activities. 2,512 of these individuals completed their training. This program utilized family-centered training facilities at Madeira, California; Thioyal, New Mexico and Choctaw, Mississippi, and Bismarck, North Dakota. Because of limited resources, the Task Force did not have an opportunity to review these programs.

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[31] "Survey of Potential Eligible Indian Students throughout the United States," prepared for the Bureau of Indian Affairs, by the National Indian Training and Research Center, February 1976.

[32] U.S. Congress, House Appropriations Committee of the Indian and Related Agency Appropriations for 1971, 91st Cong., 2nd Sess., Part 2 (G.P.O. Washington, 1976), pp. 926–927.

[33] U.S. Department of Interior, Budget Justifications, fiscal year 1975, Bureau of Indian Affairs, p. IA–11.

Conclusions

The Bureau of Indian Affairs has been traditionally viewed as the microcosm of all education activity for American Indians. In reality, they have only sought to serve reservation Indians or federally recognized Indians of one-quarter degree Indian blood.

It is evident from the Task Force review that policies announced in Washington have not been organized in regulations and guidelines which have impacted the various administrative levels in the field. In addition, it appears that the education division of the Bureau has not initiated any new policy activities or programs in this past decade. Rather, the agency has continued to request funds for its programs which represented "business as usual." Many critical areas in education have simply not been pursued. Possibly, the rapid turnover in the education director's office accounts for some of this. It is difficult to see this as the only reason. It appears that the policy of moving Indians into public schools as rapidly as possible was the unwritten goal. There has not been an adequate needs assessment, planning, or evaluation effort to look at the Indian tribe and its people's educational needs as a whole. Nor has there been an effort to organize a policy, with goals, based on the involvement of Indian people to meet these needs.

Until the policy of Indian control was announced, the Bureau of Indian Affairs education division seemed to be willing to continue patching up their own federally operated schools and moving Indians into public schools as rapidly as possible. Such movement represented an "out of sight and out of mind" philosophy and method for dealing with American Indians.

However, tremendous strides in Indian education have been made in this decade. It appears that these strides have come about because of the determination of Indian people, the dedication of local BIA education administrators, teachers, and staff, increased Congressional appropriations, and competition with other federal agencies; not, unfortunately, because of leadership in education from the central office in the Bureau of Indian Affairs.

SECTION IV

STATE POLICIES AND FINANCES

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SECTION IV

STATE POLICIES AND FINANCE

A. INTRODUCTION

In an effort to arrive at an accurate picture of problems and needs in Indian education, the Task Force on Indian Education conducted data collection activities at each level of the service delivery process: Federal legislative and administrative agency, state department, and local community.

Data was collected at the state level primarily through the use of survey questionnaires. State school superintendents were asked to review their relationship to American Indians; to highlight any special laws for Indians; to describe their recordkeeping and identify both federal and state efforts on behalf of American Indians.

In conjunction with the state survey, the Task Force also conducted a review of state policies in finance. The objective of this study was to examine the interrelationship of state finance and policy, (as defined by the survey) and federal funding. This component focused on state involvement in Indian education from the perspectives of the amount of qualitative state financial data available and the nature and extent of the impact of federal funding within the state on its per-pupil expenditure level. The results of both of these surveys are summarized in the following pages.

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B. SURVEY OF STATE DEPARTMENTS OF EDUCATION

The materials summarized in this section are based on the responses by the states polled to a questionnaire developed by the Task Force. They define the involvement of the states in Indian education in terms of program policy, management, and structure. Findings are presented in terms of the issues raised and the responses or categories of response to the issue.*

Please describe the role and responsibility of the State Department in educating American Indians. Please cite and include the general statutory provisions for this.

The majority of states that returned the questionnaire stated that the state education agency's responsibility for Indian children was the same as for all children regardless of ethnic background. These agencies emphasized that all children should be treated the same in relationship to public education. The only states that had special statutes for Indian Education were New York and New Mexico, while California had a state policy relating to this matter.

How does the State Department of Education identify who is an American Indian for the purposes of receiving general educational services?

The most frequent answer was that no distinction is made among children for general educational services. The majority of states responded by saying they did not identify groups of children for general educational purposes.

How does the State Department of Education identify who is an American Indian for purposes of receiving special educational services for the benefit of American Indians?

There appears to be no standard procedures for identifying Indian children. Tabulation of responses shows the multitude of definitions used. Some confusion might have resulted in the answering of this question. An example would be the Florida response which said that "the State Department of Education does not identify for JOM or Title IV." Therefore, since the State Department of Education is not involved, this is a relationship between the Local Education Agencies and the Federal Government. Therefore, there are definitions established for each program by the Federal Government.

Does the Department have a list of all public schools located on or adjacent to Indian Reservations?

Twenty (20) of the states responded that they had no list of schools on or adjacent to Indian Reservations, but included within this figure were states that had reservations and states that had no reservations There was no way to distinguish the reservation and non-reservation states. Six (6) of the respondents had lists of the schools on or adjacent to reservations.

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*Many states did not respond to the questionnaire or to certain question items. Thus, tabulations summarized here do not reflect input from all states contacted.

Does the Department have a list of the public schools in which Indian students are enrolled?

Twenty-one (21) states indicated that they have lists of the schools where Indian children are enrolled while five (5) indicated that they did not have such a list.

How were the Indian students identified by these schools?

________ Birth Certificate; ________ Tribal Enrollment; ________ Individual Show of Hands; ________ Other

Six (6) states indicated that they identified the children by birth certificates while eight (8) responded that they used a show of hands and four (4) states used tribal enrollment. The largest number of responses was in the *other* category. Some of the *other* methods used were: 1) local educational agency makes the determination; 2) JOM parents make the determination; and 3) government printouts were used to make the determination. A few states use more than one method, such as Iowa that used all four (4).

Are there any special state statutes which deal with the education of American Indians?

Seven (7) of the states that responded had statutes that related to Indian Education while twenty (20) had no laws relating to Indian Education.

Has the Department prepared any special research papers on the education of American Indians since 1969?

Only three (3) states (Minnesota, Wyoming and California) reported that they had prepared special reports on American Indians since 1969.

The following items may appear in your annual report. If so, please forward us a copy:

What are the sources of state aid used for education?

What are the sources of federal aid, including the amount of funds, coming through the State Department of general educational assistance?

What are the sources of federal aid, including the amount of funds, coming through the State Department for the education of American Indians?

What are the sources of federal aid, including the amount of funds, coming into the state for compensatory or special educational needs?

What percentage of the state's educational budget comes from:

The federal government?
The state government?
The local school district?

These questions produced a myriad of answers. Some responses stated the major sources of revenue as sales tax. income tax and corporate tax, which are standard in most states. While some states, such as Florida, listed these major taxes as well as the lesser taxes such as racing (1.49%), insurance (1.50%), and other minor taxes. A substantial number of states did not answer the question. When answering the segment on federal aid coming through the State Department for the education of Indian children, the State Departments responded that most special aid (JOM, Title IV) by-passed the State Department of Education; therefore, they had no figures. A few states listed the percentages of the educational budget. Some of the data do not correlate with data from sources other than that of the questionnaire. As an example, Alaska responded with 2.2% federal, 71.7% state, and 26.1% local. Other reports have always stated a much higher percentage for Alaska's federal aid. Therefore, the question might have been misinterpreted or the method of calculation been different.

What kind of requirement does your state have concerning teacher and aid certification? Are there special provisions for certifying "Indian cultural resource persons"?

From the respondents, there were only two (Oklahoma and Wyoming) that had provisions for training Indian educators. A number of states said that they had provisions for training teachers in human relations or cultural pluralism, but these were not specifically established for Indian educators.

Does the State Department require any special training for administrators or teachers concerning the study of American Indians?

The only state that had any provisions for special training of administrators or teachers concerning the study of American Indians was Nevada.

How does the State Department determine its number of children listed as Indians?

In reviewing the questionnaires, the respondents referred back to Questions two (2), three (3), and six (6) as the methods of determining the number of children listed as Indians. The respondents who answered this question answered it basically the same way they answered Question two (2).

Please identify staff positions relating to the education of Indians in the State Department of Education. How are their positions funded?

The majority of the respondents (15 of 26) indicated that their state departments did have staff positions for Indian education. The positions were funded from a variety of sources including: Civil Rights Act, General Fund, Title I ESEA, Johnson O'Malley, and others. However, the vast majority of the respondents indicated that such positions were funded from Title I ESEA, Johnson O'Malley and their state's General Fund.

What kinds of technical assistance are available from the State Department? Who must request it?

The majority of the respondents interpreted this question as written. That is, does the state education agency provide technical assistance to education agencies or groups requesting such service. Consequently, nearly all the respondents indicated that technical assistance was available for all educational programs.

Does your state have a compulsory attendance law? How is it enforced on Indian Reservations?

All the respondents indicated that their states had a compulsory attendance law. For those states with Indian Reservations, most respondents replied that their compulsory attendance law was enforced on or off Indian Reservations identically as for the general public. However, four respondents (Colorado, Florida, Idaho and Nevada) replied that either reservation officials or tribal councils had at least some responsibility to enforce the law.

Education had been a power primarily reserved to the state. What is the state's role in the education of Indian children? What is the Federal Government's role in the education of Indian children?

The overwhelming majority of those states responding to the question concerning the state's role in the education of Indian children indicated that the state's role was no different for Indian children than for all other children. In a typical reply, the respondent for Colorado said, "The state has the same responsibility for Indian children as any other child." Likewise, the respondent for Maryland said, "Same as all children." However, the Illinois respondent did indicate some interest in having the state provide all students with an understanding of all racial and/or ethnic groups in the United States. Similarly, the Indian respondent said that it was the responsibility of the state to develop the ethnic heritage of all students. In regard to the question concerning the Federal Government's role in the education of Indian children, nearly all respondents indicated that they viewed the Federal Government only as a funding agency.

There are two federal agencies with the primary role in the education of American Indians. These are the Bureau of Indian Affairs and the U.S. Office of Education.

Are there any philosophical policy or program policy or financial policy issues of these agencies which are confusing or contradictory at the state level? Please identify.

Most of the respondents replied negatively to this question. However, several respondents indicated that the distinction B.I.A. makes between reservation and non-reservation Indians has created a problem. Also, a significant number of the respondents complained that there is little accountability required by either the B.I.A. or the U.S. O.E. for Indian education projects and recommended that the state educational agencies be provided with greater administrative authority and control over the federal funding of Indian education.

Please indicate any legislative recommendations or administrative clarification which our task force should make to the Commission and the U.S. Congress. Would you please cite your reasons for the recommendations.

It is not surprising that the respondents who are officials/employees of the various state education agencies were quite consistent in recommending that the S.E.A.'s should be granted increased authority to admininster and monitor the various federal Indian education programs. Several respondents recommended that more effective use of federal Indian education funds would result if the funds were pooled and allocated to the S.E.A.'s in the form of block grants. The respondent for Minnesota made sweeping recommendations which in part involved the transfer of all B.I.A. education funds to the U.S.O.E. for disbursement, fully funding Title IV (Indian Education Act), increased responsibility for Indian education by the U.S.O.E. and the reduction of the B.I.A. to areas of health, welfare, housing and special projects.

Are there unmet needs in Indian education to which you feel the federal governments should be responding? Please describe.

There was little, if any, commonality of the respondent's perceptions of unmet needs in Indian education to which the federal government should respond.

Has your department identified handicapped Indian children of school-age? Please describe the nature of their handicap and forward any documents which you may have on this area.

There was considerable confusion by the respondents to this question. Some of the respondents considered handicapped Indian children as unique from other handicapped children while most respondents considered handicapped Indian children no different from other handicapped children. Although the vast majority of the respondents replied positively to the question, it was obvious that the question had been misinterpreted and the data could not be accurately reported.

Would you please identify, by name and address, the extent of Indian participation in various state level boards and committees?

Although the majority of the respondents (14 of 23) indicated that American Indians were involved in state level boards and committees in their respective states, a disappointing number of the respondents (9 of 23) replied that Indians were not involved.

What role do you see for Indian tribes, communities, and parents in the education of Indian children?

It is not surprising that the overwhelming majority of the respondents indicated that they perceived the role increasing for Indian tribes, communities, and parents in regard to input into the education of Indian children. However, several respondents replied that in their opinion the role of parents of ethnic groups, including Indian parents, should not be different than for parents of other children.

An area which the Task Force had not attempted to poll also surfaced through this survey: state attitudes towards Indian people and the special federal programs that serve them. Although respondents did not express overt animosity towards Indians and Indian programs, in many instances, the responses of states to the questionnaire indicated a strong hostility towards H.E.W. and B.I.A. Indian programs. It appears that states are particularly concerned where such programs bypass them and target funds directly into the Indian tribe or local community. This attitude on the part of the state clearly assumes importance when analyzing state role in educational policy and finance.

C. STATE POLICY AND FINANCE STUDY

While education, historically and legally, has been a state function, the states have generally delegated much of the operative responsibility to local governments. However, during the past decade, there has been a marked growth in the state role in education. This can be attributed primarily to a greater dependence upon the state for the financing of general education. The expanding role in public school finance has been primarily occasioned by a series of decisions by both state and federal courts. The National Conference of State Legislatures summarizes the legal impetus for recent change:

> From the landmark *Serrano* decision of 1971 to more recent rulings in *Robinson* and *Horton*, the courts have made it clear: public school finance laws which make the quality of a child's education dependent on local wealth are constitutionally suspect and vulnerable to judicial change.[1]

New finance laws in several states have permitted a greater than average increase in expenditure in many poor school districts. More state monies have been allocated to children who are more costly to educate. School tax burdens in these states have been distributed more equitably.

However, significant interstate and intrastate disparities continue to exist. The range in expenditure per pupil in public schools by states has remained on a proportional basis nearly the same from 1969–1970 through 1974–1975; on an absolute basis, it has increased. As shown on the following chart, many states continue to show substantial variations in expenditures per pupil by school district. Meanwhile, the federal share of elementary and secondary education revenues has declined over the past six fiscal years.

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[1] The National Conference of State Legislatures, School of Finance Reform: A Legislator's Handbook, 1975.

DISTRIBUTION OF SCHOOL SYSTEMS, BY CURRENT EXPENDITURES

State	Total operating systems	Percent distribution of expenditures per pupil							Median expenditure per pupil
		Total	Less than $700	$700 to $899	$900 to $1,099	$1,100 to $1,299	$1,300 to $1,499	$1,500 or more	
U.S. total	16,338	100	12.05	22.60	27.43	18.79	9.89	9.22	$1,008
Alabama	126	100	62.16	35.86	0	1.98	0	0	669
Alaska	32	100	0	0	0	0	0	100.00	2,263
Arizona	276	100	9.51	37.49	27.24	2.70	19.82	3.24	912
Arkansas	383	100	43.14	33.80	18.76	4.30	0	0	759
California	1,045	100	8.11	18.79	24.32	19.79	18.95	10.03	1,094
Colorado	181	100	0	15.59	20.05	25.62	11.14	27.60	1,236
Connecticut	165	100	1.31	5.02	33.79	33.03	11.88	14.97	1,143
Delaware	24	100	0	3.85	46.15	34.61	3.85	11.55	1,112
District of Columbia	1	100	0	0	0	0	100.00	0	1,482
Florida	67	100	0	16.85	54.71	19.35	9.09	0	991
Georgia	188	100	39.59	37.34	19.62	2.07	0	1.38	761
Hawaii	1	100	0	0	0	0	100.00	0	1,302
Idaho	115	100	8.19	53.99	21.77	4.06	0	11.99	831
Illinois	1,057	100	2.73	14.83	25.51	30.78	18.46	7.71	1,128
Indiana	304	100	5.77	58.24	30.81	4.83	.34	0	837
Iowa	451	100	0	2.18	44.67	48.86	4.29	0	1,106
Kansas	309	100	.29	9.63	30.59	27.37	15.55	16.58	1,165
Kentucky	188	100	24.25	51.13	23.25	1.36	0	0	755
Louisiana	66	100	0	35.21	60.38	4.40	0	0	938
Maine	230	100	9.64	42.25	26.88	6.70	12.56	1.98	891
Maryland	24	100	0	0	54.55	40.91	0	4.55	1,077
Massachusetts	356	100	.28	.96	26.84	33.70	26.76	11.47	1,234
Michigan	593	100	8.15	22.04	40.78	17.11	10.06	1.88	1,005
Minnesota	438	100	0	1.01	33.08	48.14	16.81	.96	1,150
Mississippi	150	100	53.62	45.03	1.35	0	0	0	604
Missouri	576	100	12.28	18.62	45.70	20.64	1.95	.82	990
Montana	650	100	34.61	19.19	8.47	30.35	.94	6.44	869
Nebraska	1,281	100	30.56	13.06	26.23	10.17	2.58	17.40	958
Nevada	17	100	0	0	32.53	39.03	28.44	0	1,153
New Hampshire	156	100	11.07	57.35	23.92	6.86	.79	0	818
New Jersey	579	100	6.41	4.98	14.48	24.35	28.37	21.42	1,290
New Mexico	88	100	.50	35.48	25.62	36.71	1.18	.50	974
New York	734	100	2.02	.90	.14	10.26	33.10	53.57	1,515
North Carolina	150	100	1.36	39.18	53.46	5.39	0	0	924
North Dakota	336	100	3.81	33.56	32.09	14.29	8.13	8.10	976
Ohio	621	100	15.36	59.70	18.33	4.05	1.91	.64	818
Oklahoma	637	100	32.56	32.01	21.29	1.64	.65	11.86	765
Oregon	338	100	0	3.22	51.13	20.34	19.20	6.11	1,054
Pennsylvania	504	100	.94	4.18	54.09	32.00	5.61	3.18	1,075
Rhode Island	40	100	0	0	16.37	64.93	14.03	4.68	1,237
South Carolina	93	100	43.14	53.06	3.79	0	0	0	721
South Dakota	220	100	3.61	33.66	37.06	16.16	5.21	4.31	980
Tennessee	146	100	60.51	29.41	9.24	.84	0	0	663
Texas	1,120	100	17.66	46.08	15.45	9.24	8.80	2.78	864
Utah	40	100	0	31.53	39.03	2.43	27.01	0	1,000
Vermont	245	100	12.58	31.32	32.35	13.28	4.80	5.68	922
Virginia	134	100	.80	43.68	48.27	4.02	.80	2.41	907
Washington	314	100	0	7.19	50.61	37.45	.96	3.79	1,085
West Virginia	55	100	0	52.33	47.67	0	0	0	895
Wisconsin	434	100	.51	7.73	35.81	43.92	8.29	3.72	1,130
Wyoming	60	100	0	1.48	13.33	35.22	11.85	38.13	1,291

Source: U.S. Department of Health, Education, and Welfare, National Center for Education Statistics, "Education Directory, 1973–74: Public School Systems," and preliminary data.

A basic issue remains of whether and to what extent federal financial aid is necessary to help states meet the problems of school finance. A 1973 report by the Advisory Commission on Intergovernmental Relations concerning this issue concluded:

> Evidence provided in this report indicates that with few exceptions, states have ample untapped tax potential for this purpose. Obviously, action on school finance that requires States to alter substantially the degree of reliance on the local property tax for school support takes time and would require public acceptance.[3]

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[3] *Ibid.*, pp. 95–96.

A more recent evaluation conducted by the National Conference of State Legislatures recognizes the limitations of this approach at this time:

> Given current budget projections, funds to support major changes in school finance laws of most states will not be available until fiscal 1978 at the earliest.

While all children in poor school districts wait for leadership from some source on this vital issue, it is a problem of immediate urgency for Indian children. As a recent study undertaken by the National Indian Education Association succinctly demonstrates, the fundamental factors affecting financing of education programs for Indian students relate back to the states:

> Questions of sovereignty notwithstanding, when Indian children go to public schools they go as individuals into a State system. The whole problem of equalization of funding for education, with its implications for improved educational opportunities for Indians, is in the hands of State legislatures.[8]

This may be attributed to the fact that education in school districts with high proportions of children from disadvantaged families is generally considered to require more intensive and thus more costly educational services than in more typical school districts. Data from the U.S. Census of Population and elsewhere provide conclusive evidence that the American Indian is the most disadvantaged minority in the country.

The availability (or lack thereof) of adequate financial resources is the basic determinant of any program to meet the special educational needs of Native American students. Nearly 70 percent of these students attend public elementary and secondary schools. Thus, any failure to meet these special needs must fall largely on the local, state, and federal mechanisms that funnel funds to the local school districts and hence to special programs for Indian students.

These mechanisms have, in the past, generally failed. Five reasons for these failures appear to be of greatest signifiance: (1) fiscal inequity both among states and among school districts within states; (2) the fact that school districts with significant numbers of Indian students are often "poor," i.e., have limited local resources; (3) the wide dispersion of Indian students, which hinders development of special programs to meet their needs; (4) most federal programs with significant resources do not incorporate provisions to assure that funds will be directed to programs for disadvantaged Indian students; and (5) federal programs that have provided the bulk of federal funds to school districts with Indian students (Title I ESEA and SAFA) have declined in recent years in absolute terms and very significantly in terms of the increased costs of providing educational services.

Factors Affecting Financing of Indian Education

Any purview of available revenues per pupil among the states or within a given state indicates wide disparities that cannot be explained by cost differences alone. Despite efforts to equalize educational opportunity through various state aid formulas, a wide disparity in the quality of schools exists between districts. Differences in the relative wealth of the districts, their willingness to pay, variations in costs, and variations in educational needs of the students are factors that often thwart attempts at equalization. Further, no discernible effort has been undertaken to reduce interstate inequities. A recent comprehensive evaluation of school finance reform indicated a general lack of federal support for such reform:

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[8] National Indian Education Association, "A Study of the Impact of PL 638 on ESEA, Title IV, IEA, and JOM" for the U.S. Department of Interior, B.I.A. Education Division, September 1, 1976.

> Efforts to make state school finance legislation more equitable in the near future are likely to be hampered not only by shortfalls in state tax collections, but also by the failure of the federal government to provide appropriate support for state reform efforts. Indeed, some important education legislation has the effect of directly undermining state reform programs.[4]

Cited as examples were Impact Aid (Public Law 874) and the recently approved Federal Education for All Handicapped Children Act.

Any obstacles to continuing state reform efforts or the equalization among states falls heavily on school districts with large concentrations of Indian students. The special needs are for the most part large and the ability of the local community to pay is often very limited. Further, these school districts are disproportionately in states with either very low total revenues per pupil (Oklahoma, Arizona, New Mexico) or very high costs (Alaska). Seventy percent of Indian children enrolled in school districts with 10% or more Indian enrollment are from these four states.

Nearly 50% of all Indian students enrolled in public schools are in school districts in which they represent less than 2% of total enrollment. As a small minority, programs to meet their special needs are likely to be of relatively low priority compared with programs for other disadvantaged students, children with handicapping condition, etc. who may have more numerous advocates in the community. Where Indian students are widely dispersed in the school district or represent a very small absolute number of students, the costs for such programs may be very high. Further, the availability of federal funds for any special programs (e.g., funded through Title I (ESEA) may be dependent on the numbers of other disadvantaged students and not the disadvantaged status of the Indian students.

A comprehensive evaluation of the flow of funds from federal programs to Indian students has not, as yet, been undertaken. However, the limited studies that have been undertaken all point to the conclusion that general programs of federal aid have failed to reach Indian students in a fair and proportionate degree. One recent study indicated that Indian students are underparticipants in Title I programs for the disadvantaged. This study concluded that although 70% of Indian children were classified as disadvantaged, only 25% of all Indians surveyed were actually in Title I programs.[5] The study also found that, where Title I funds are concentrated to provide more intense services for fewer pupils. Indian students are diverted out of participation to an even greater degree.

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[4] Ackco, Inc., "USOE/BIA Study of the Impact of Federal Funds on Local Education Agencies Enrolling Indian Children" (1975).

[5] S. Smith and M. Walker, "Federal Funding of Indian Education: A Bureaucratic Enigma." Report No. 5, Legal Action Support Project, Bureau of Social Science Research, Inc. (Washington, D.C., May 1973).

A study by the Education Policy Research Institute indicates relatively weak correlation of total federal aid among school districts to the number of children in a community who come from impoverished homes. They found, based on a sample of school districts within 12 states, that in general "federal aid flows are positively related to increasing proportions of poverty pupils." However, their data indicated that in only three of the states were the correlation coefficients above 0.6 (see Table 1). Title I programs were found to be "much more highly correlated with poverty than all programs taken together." Review of unpublished data from the same source indicates that other than Title I, federal aid programs are not generally correlated to poverty measures.

TABLE 1.—RELATIONSHIP BETWEEN FEDERAL AID AND POVERTY 1969–70 CORRELATION COEFFICIENTS

	Total Federal aid	Title I
California	0.388	0.807
Colorado	.010	.267
Kansas	.204	.597
Massachusetts	.453	.628
Michigan	.648	.731
Mississippi	.550	.776
New York	.589	.658
North Carolina	.782	.889
Ohio	.202	.822
Texas	.645	.784
Virginia	.314	.786
Washington	.118	.616

A recently completed study reached several germane conclusions concerning federal aid for Indian children based on a detailed analysis of school districts. They were as follows:

General.—The existing methods of school financing have neither assured that Indian children receive an equalized per pupil expenditure nor that they are provided an adequate basic education program. This lack of adequate "basic support" is part of the cause for federal supplemental and special programs being used for items that should be part of the basic education program of every school.

Impact Aid Public Law 874.—Compilation of the P.L. 874 rate by using comparable districts in the same state as the LEA does not provide adequate funding to take care of basic education needs, and Indian LEAs spend more money compensating for geographic factors peculiar to reservations.

Johnson-O'Malley.—Either a distribution formula did not exist or, if one did exist, it was not equitable or was not being implemented.

Title IV IEA.—Although findings indicate that Title IV programs are used to fund activities that are also funded under other programs, we conclude that Title IV is used to fund needed programs because of the absence of adequate basic support, the lack of or inadequate funding of other programs, or the failure of other programs to meet the needs of Indian people.

Title I ESEA.—Whether due to compatibility requirements or targeting procedures, Indian children are not receiving an adequate share of Title I funds to meet their needs. Also, especially in urban areas, Indian parents have little or no say in program matters.[6]

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[6] *Op. cit.*

In addition, federal programs that provide most of the federal funds in school districts with Indian children (Title I ESEA and SAFA) have not kept pace with the significantly increasing costs for education services. Between FY 1971 and 1975, Title I and SAFA funds remained nearly constant while per pupil expenditures nationwide increased about 42%.

Indian Students in Public Schools

Today, nearly 70% of all Indian students attend public elementary and seconday schools.[7] Reported Indian pupil enrollment in FY 1975 was 334,495. Seventy percent of these Indian pupils were concentrated in five states: Alaska, Arizona, California, New Mexico, and Oklahoma.[8] The remaining Indian students are dispersed widely through the remaining states and the District of Columbia.

The Office of Indian Education has identified 2,829 school districts in which one or more Indian students are enrolled. They average less than 3% of total enrollment in these school districts. In only 660 school districts do Indian students represent a significant minority (over 10% of total enrollment) or a majority. The distribution of all school districts with reported Indian enrollment and school districts reporting greater than 10% total enrollment by enrollment size category is shown in Table 2.

TABLE 2.—DISTRIBUTION OF SCHOOL DISTRICTS WITH INDIAN ENROLLMENT BY ENROLLMENT CATEGORY

	Enrollment category						
	25,000 or more	10,000 to 24,999	5,000 to 9,999	2,500 to 4,999	300 to 2,499	Under 300	Total
Total school districts	155.0	304.0	326.0	535.0	1,131.0	378.0	2,829.0
Greater than 10 percent of Indian enrollment		5.0	8.0	26.0	350.0	271.0	660.0
Percent		1.6	2.5	4.9	30.9	71.7	23.3

Source: U.S. Office of Education, Office of Indian Education, unpublished data.

The distribution of school districts with reported Indian enrollment greater than 10 percent of total enrollment by enrollment category and state is shown in Table 3. Indian enrollment greater than 10 percent of total enrollment is concentrated almost entirely in school districts with total enrollments of less than 2,500 students; 621 of the total 660. Over half (339) of these school districts are in the state of Oklahoma. Arizona has 55 such school districts and only five other states (Alaska, California, Montana, South Dakota, and Washington) have over 20 districts with over 10 percent total Indian enrollment.

These 660 school districts account for over one-half (52.9 percent) of total reported Indian enrollment in public schools in the U.S. (see Table 4). Nearly two-thirds (63.3 percent) of these Indian students are in school districts with total enrollments of less than 2,500. The remaining 157,981 Indian students are enrolled in 2,169 school districts. In most instances, these latter students represent a very small minority of total enrollment.

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[7] U.S. Department of Health, Education, and Welfare, Education Division, National Center for Education Statistics, "Statistics of Local Public School Systems, Finances, 1970–71" (1975) (Pub. No. NCES 75–149).

[8] U.S. Department of Interior, Bureau of Indian Affairs, "Statistics Concerning Indian Education" (1973), pp. 1–2.

TABLE 3.– DISTRIBUTION OF SCHOOL DISTRICTS WITH SIGNIFICANT INDIAN ENROLLMENT BY ENROLLMENT CATEGORY AND STATE

State	15,000 or more	10,000 to 24,999	5,000 to 9,000	2,500 to 4,999	300 to 2,499	Under 300	Total
Alaska		1	2	2	15	10	20
Arizona			1	3	35	16	55
Arkansas					3		3
California				1	13	15	29
Colorado					2	1	3
Idaho					2		2
Kansas					2	1	3
Maine						2	2
Massachusetts						1	1
Michigan			1		10	5	16
Minnesota					6	2	8
Missouri					1		1
Montana					28	20	48
Nebraska					5	4	9
Nevada					3		3
New Mexico		1	2	2	10		15
New York					4		4
North Carolina		1		3	3		7
North Dakota					8	9	17
Oklahoma		1	2	10	161	165	339
Oregon					1		1
South Dakota		1			14	8	23
Texas						1	1
Utah				2			2
Washington				2	15	8	25
Wisconsin				1	6	1	8
Wyoming					3	2	5
Total		5	8	26	350	271	660

Source: U.S. Office of Education, unpublished data.

TABLE 4.—DISTRIBUTION OF INDIAN STUDENTS BY ENROLLMENT CATEGORY AND STATE

State	Greater than 10 percent enrollment—enrollment category			Less than 10 percent Indian enrollment	Total Indian enrollmen
	2,500 or more	Under 2,500	Total		
Alaska	8,453	5,719	14,172	2,756	16,928
Arizona	8,375	11,639	20,014	11,455	31,469
Arkansas		402	402	844	1,246
California	457	2,438	2,895	27,959	30,854
Colorado		896	896	1,731	2,627
Idaho		334	334	2,066	2,400
Kansas		333	333	1,742	2,075
Maine		55	55	631	686
Massachusetts		39	39	420	459
Michigan	1,054	2,365	3,419	9,596	13,015
Minnesota		2,229	2,229	9,156	11,385
Missouri		225	225	647	872
Montana		7,456	7,456	3,751	11,207
Nebraska		890	890	1,192	2,082
Nevada		889	889	1,921	2,810
New Mexico	17,371	3,574	20,945	3,019	23,964
New York		1,808	1,808	4,310	6,118
North Carolina	9 783	1,125	10,908	4,137	15,045
North Dakota		3,226	3,226	1,077	4,303
Oklahoma	14,324	55,193	69,517	17,171	86,688
Oregon		693	693	3,226	3,919
South Dakota	1,350	4,850	6,200	4,143	10,393
Texas		68	68	2,481	2,549
Utah	1,762		1,762	2,464	4,226
Washington	998	3,409	4,407	13,707	18,114
Wisconsin	1,008	1,318	2,326	5,521	7,847
Wyoming		1,006	1,006	376	1,382
Other States and District of Columbia				19,882	19,882
Total	64,935	112,179	177,114	157,381	334,495

Source: U.S. Office of Education, Office of Indian Education, unpublished data.

Analysis of Indian School Financing

The following analysis is based on information derived from a sample of 2,520 school systems collected and processed by the National Center for Education Statistics (NCES).[9] From this sample information was available on 790 school districts for which the Office of Indian Education has identified one or more Indian Students. A very limited subsample of 48 of these school districts had a reported Indian enrollment of greater than 10 percent of total enrollment.

Tabular presentation analyses were based on the following controls:

(a) Six enrollment-size groups, based on school system average daily membership (ADM):
- **25,000 or more.**
- **10,000 to 24,999.**
- **5,000 to 9,999.**
- **2,500 to 4.999.**
- **300 to 2,499.**
- **Under 300.**

(b) Three metropolitan status categories:
- **Metropolitan, central.**
- **Metropolitan, other.**
- **Nonmetropolitan.**

(c) Four regions of the United States:
- **North Atlantic.**
- **Great Lakes and Plains.**
- **Southeast.**
- **West and Southwest.**

Sampling information—including the universe for each of three school district categories, the respective samples and subsamples, and the number of systems listed and grouped in each enrollment category stratification—is presented in Table 5. Data for enrollment categories of less than 10,000 total enrollment are subject to sampling error. Obviously, for school districts with at least 10% Indian enrollment, the sampling error precludes any substantive inferences. The sample size for all school districts with reported Indian enrollment permits some preliminary inferences.

TABLE 5.—UNIVERSE AND SAMPLE ENROLLMENT CATEGORY STRATIFICATION

	Enrollment category						
	25,000 or more	10,000 to 24,999	5,000 to 9,999	2,500 to 4,999	300 to 2,499	Under 300	All size group
All school districts:							
Universe	193	553	1, 104	2, 015	2, 817	5, 385	17, 067
Sample	193	553	436	381	477	484	2, 524
With Indian enrollment:							
Universe	155	304	326	535	1, 131	378	2, 823
Sample	155	304	142	99	63	27	790
With at least 10 percent Indian enrollment:							
Universe		5	8	26	350	271	660
Sample		5	2	4	23	14	38

Source: U.S. Department of Education, Office of Indian Education, unpublished date.

The analysis focused on two areas: (1) a comparison of total per pupil expenditures in school districts with reported Indian enrollments and all school districts in the sample, and (2) a similar comparison of federal contributions to total revenue per pupil. The former was directed towards developing preliminary findings concerning overall fiscal equity; the latter concerned possible federal impact on school districts with Indian students.

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[9] U.S. Department of Health, Education, and Welfare, Office of Education, NCES, "Statistics of Local Public School Systems, Finance, 1969–70" (Pub. No. NCES 74–147).

Per Pupil Expenditures

Among school districts with Indian enrollment, the number with per pupil expenditures less than the national average within enrollment categories is presented in Table 6. Over 62% of the 790 districts in the sample had per pupil expenditures less than the nation average, on a weighted basis approximately 69 percent. These data indicate that, because of wide differences between districts in the cost of education and in ability and willingness to pay, local school financing does not provide students an equal opportunity to learn, even with state school aid equalization formulas in effect at the time of the survey. Review of the data among the school districts within the sample showed a wide divergence in per pupil expenditure within enrollment categories both between states and among school districts within these states. The basic problem facing Indian students is fiscal inequity in state and local financing. However, as shown in Table 7, this is not significantly different than findings for all school districts in the overall sample.

TABLE 6.—NUMBER AND PERCENT OF INDIAN SCHOOL DISTRICTS WITH PER PUPIL EXPENDITURES LESS THAN THE NATIONAL AVERAGE

	Enrollment category						
	25,000 or more	10,000 to 24,999	5,000 to 9,999	2,500 to 4,999	300 to 2,499	Under 300	All size groups
Number of school districts	155.0	304.0	142.0	99.0	63.0	27.0	790.0
Number below national average	106.0	179.0	94.0	59.0	37.0	19.0	494.0
Percent below national average	68.4	58.9	66.2	59.6	58.7	70.4	62.5

Source: U.S. Office of Education, Office of Indian Education, unpublished data.

TABLE 7.—PERCENT BELOW NATIONAL AVERAGE BY ENROLLMENT CATEGORY

	Enrollment category						
	25,000 or more	10,000 to 24,999	5,000 to 9,999	2,500 to 4,999	300 to 2,499	Under 300	All size groups
With Indian enrollment	68.4	58.9	66.2	59.6	58.7	70.4	62.5
All sample school districts	59.2	56.8	65.6	59.5	60.8	61.9	60.3

Source: U.S. Office of Education, Office of Indian Education, unpublished data.

The comparison of percent of school districts below the national average per pupil expenditure by enrollment category indicates no significant differences overall between school districts with Indian enrollments and national patterns. The only exception was in school districts with over 25,000 total enrollment. Furthermore, review of this category, taking into account variations in per pupil expenditures by metropolitan status classification, indicated that this difference was due almost entirely to the higher proportion of Indian school districts in this enrollment category in high average per pupil expenditure metropolitan central school districts.

Of the 48 school districts with over 10 percent of Indian enrollment, 36 or 75 percent were below the national average measured by enrollment category and metropolitan status. Twenty-seven reported per pupil expeditures of less than $600 compared with the national average for all enrollment categories of $796 during the 1970-1971 school year.

A validation of the above findings based on similar data for the preceding school year was undertaken for the critical enrollment category 300-2,499. Using both average national per pupil expeditures and average per pupil expenditures by state, similar results were obtained. In the sample of 309 school districts with reported Indian enrollment, 61.2 percent and 60.5 percent had per pupil expenditures less than the respective national and state averages. The samples of 99 school districts with Indian enrollment greater than 10 percent indicated that 76.8 percent were below the national average for this enrollment category. Of the 99 school districts in the sample, 68 had per pupil expenditures of less than $66 and 35 had less than $500 compared with the national average of $712 for school year 1969-1970.

The consistency of these findings (based on a much larger sample) with the previous findings reinforces a conclusion that school districts with significant Indian enrollments are not receiving sufficient funds from all sources to assure equitable educational opportunities.

Federal Contributions to Revenue

Table 8 presents the number and percent of school districts in the sample that receive federal revenues as a proportion of total revenues below the national average for each of the six enrollment categories. In four of the categories, the proportion below the national average is above 50 percent, in two, below 50 percent. A weighted average of the total sample indicates that about half (52 percent) of the Indian school districts are below the national average and about half are above the national average. In the 300-2,499 enrollment category, the average federal contribution per pupil was $86.54 compared with a national average figure of $60.98. In the under 300 enrollment category, the average federal contribution per pupil was $54.48 compared with a national average of $73.95.

TABLE 8.—NUMBER AND PERCENT OF SCHOOL DISTRICTS WITH THE PERCENT OF FEDERAL REVENUES TO TOTAL REVENUES BELOW THE NATIONAL AVERAGE

	Enrollment category						
	25,000 or more	10,000 to 24,999	5,000 to 9,999	2,500 to 4,999	300 to 2,499	Under 300	All size groups
Number of school districts	155.0	304.0	142.0	99.0	63.0	27.0	790.0
Number below national average	102.0	187.0	85.0	63.0	27.0	12.0	475.0
Percent below national average	65.8	61.5	59.9	63.6	42.9	44.4	60.1

Source: U.S. Office of Education, Office of Indian Education, Unpublished data.

These data do not support an hypothesis that school districts with Indian enrollments receive a disproportionately small share of federal funds. Conversely, they do not support a contention that such school systems receive significantly larger federal financial support than other school districts. Review of the data across school districts indicates that they differ considerably in the total amounts of per pupil federal aid they receive and in the proportion that such aid constitutes of their total educational funding. The difference in the proportion of federal aid is even more marked since some of the lowest expenditure school districts receive some of the highest amounts of aid and the highest spending districts also receive relatively small federal aid allotments per pupil. Of the 48 school districts with 10% or more Indian enrollment, 18 receive allotments per pupil of at least $100 under the national average; nine had per pupil expenditures of at least $200 below the national average.

SECTION V

REPORT AND ANALYSIS OF FIELD ACTIVITIES

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SECTION V

Report and Analysis of Field Activities

A. INTRODUCTION

As a part of its information gathering and investigative techniques, the Task Force on Indian Education participated in and conducted a wide range of field activities. These involved both individual and total Task Force member participation, and involved the following meetings: annual conventions of national, regional and state and Indian education organizations; seminars for university students and personnel of state department of education; site visits to off-reservation and on-reservation boarding and day schools: interviews with federal, state, and tribal officials, including former Commissioners of Indian Affairs and Directors of Indian Education. In addition, public hearings were conducted in various parts of the country and Washington, D.C.

In order to insure that Indian people throughout the country were provided a forum, cooperative arrangements were made between Task Forces 8 (Urban Indians) and 10 (Terminated and Non-Federally Recognized Indians) with this Task Force to solicit information in their surveys and hearings of mutual concern about the education of their constituents. In addition, a number of joint hearings were conducted with those Task Forces.

The Task Force utilized surveys to reach the various Indian parent committees, tribal councils, Indian organizations, local education agencies, and state departments of education. Their perceptions of their roles and responsibilities were sought as well as areas of concern which needed administrative or legislative clarification. These findings are interwoven in our hearing charts and are inserted in appendices T and W.

Our primary objective throughout our field work has been to actively seek Indian opinion from Indian parents, Indian educators and administrators, advisory committee members, and other individuals active in the education of Indian children. Our emphasis is heavy in this area because a review of public documents indicates scant information in the record, particularly from parents. We heard from all Indian people—federally recognized and non-federally recognized—living in both urban and rural areas.

Opinions were solicited which dealt with the federal obligation for the education of Indians, the quality of the educational program, the type of educational institution and setting, the educational staff, involvements between the school, the community, and the parents, counseling and its effectiveness, the administration of educational programs from both a federal and local level, and training and technical

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assistance needs of both the administration and community people. There was striking similarity in all the testimony on problems and unmet needs in educating American Indians.

A general summary of the hearing findings indicates that through the cumulative effect of unmet educational needs and unresolved service problems, the education of Indian children often falls at least two years behind the minimal level recommended for graduation from high school. Although the circumstances that have produced this result may vary from one community to the next, the hearings have shown some of these factors to be shared by Indian tribes and communities throughout the United States. For example, the majority of Indians testifying cited the unresponsiveness of the various federal agencies to specific educational needs of tribes, contract and boarding schools. They also indicated that tribes, Indian organizations, and local Indian communities should be given responsibility for determining the eligibility criteria for participating in educational programs for the benefit of American Indians.

B. SUMMARY

To facilitate use of the data compiled through the hearing process, the testimony presented has been analyzed and summarized in terms of issues and statements of needs. The charts below tabulate the most frequently discussed concerns in Indian education on a state by state basis. They provide a general overview of both widespread and localized issues and concerns and do not attempt to reflect every issue raised at the Task Force hearings.

In viewing these statements of need and issues from several perspectives: regional, local, and individual, certain inferences can be drawn. The concerns of Alaska and Southwestern witnesses, for example, were the most unique. The influences of geographical and social isolation remain pervasive factors which dictate the kind and manner of educational services needed by the local residents. For Alaskans, the severe climatic conditions also contribute to unique needs which no other area experiences with the same degree of intensity.

Despite the differences in issues and needs among the various areas testifying, there were also many that were repeatedly considered. Testimony indicated that in all areas represented, there is a need for increased appropriations for designated, necessary educational services. There was also a regular occurrence of statements indicating that the manner in which education funds were distributed had to be improved. One of the most frequently mentioned changes proposed was the consolidation of all Indian education programs under one national office. Many witnesses indicated that the excessive costs and complications of operating programs from the various federal levels (U.S.O.E., B.I.A.) tended to limit the overall impact of Indian education funds. Service delivery became more complicated as program funds were channeled through state and then tribal or local education agency (LEA) administrators. Thus, despite their different perspectives, most witnesses appeared to advocate major revisions and reforms in the administration of Indian education programs.

It is clear from these hearings that the role of Indian parents in their children's education is becoming a more active one than it has been in the past. Widespread concern was expressed over the role of parents and community members in the development and implementation of Indian education programs.

Analysis of field hearings	Oregon	Alaska	New York	Massachusetts	Maine	Kansas	Michigan	Iowa	Oklahoma	Illinois	Wisconsin	Nevada	Montana	North Dakota	South Dakota	Wyoming	Idaho	Colorado	Utah	Arizona	New Mexico	California	Washington	AIE	ANTS	CICSB	NIEA	NEA
ELEMENTARY EDUCATION																												
Areas of program neglect:																												
(a) Bilingual/bicultural education	----	X	X	X	X	X	X	----	X	X	----	X	X	X	X	----	----	----	X	----	X	X	X	X	----	----	X	X
(b) Early childhood education	----	----	----	----	----	----	----	----	----	----	----	----	X	----	----	----	----	----	----	----	X	----	----	----	----	----	----	----
(c) Exceptional children	----	X	X	----	----	X	----	----	X	----	----	----	X	X	----	----	----	----	----	X	X	----	----	----	----	----	----	----
(d) Athletics	----	----	X	----	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Evaluation:																												
(a) Need for culturally sensitive evaluation material	----	----	----	----	X	----	----	X	----	----	----	----	X	----	X	----	----		----	X	----	X	----	----	----	----	----	X
(b) Need for quality oriented competency and performance standard for Indian pupils (grades K through 12).	----	X	X	----	----	----	----	----	----	----	----	----	X	----	X	----	----	----	----	----	----	X	----	----	----	----	----	----
Finance:																												
(a) Lack of funds for repair, construction, maintenance of schools.	----	X	----	X	----	----	----	----	----	----	----	X	X	----	X	X	X	----	----	X	X	----	X	----	----	X	----	----
(b) Inadequacy of existing funds for basic program support.	----	----	----	----	----	----	----	----	----	----	----	----	X	X	X	----	----	----	----	----	----	----	----	----	----	----	----	X
(c) Lack of adequate facilities; e.g., libraries, gyms.	----	X	----	----	----	----	----	----	----	----	----	----	----	X	----	X	X	----	----	----	X	----	X	----	----	----	----	----
SECONDARY EDUCATION																												
Areas of program neglect:																												
(a) Bilingual/bicultural education	----	X	X	X	X	X	X	----	X	X	----	X	X	X	X	----	----	----	X	----	X	X	X	----	----	----	X	X
(b) Vocational and career education	----	X	----	----	X	----	----	----	----	X	----	----	X	X	X	----	----	----	----	----	----	X	X	X	----	----	----	----
(c) Athletics	----	----	X	----	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Administrative policies: (a) Discrimination against Indian pupils by faculty, administrators.	----	----	X	----	----	----	----	----	----	----	----	----	----	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Support services:																												
(a) Inadequate facilities	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	X	X	----	X	X	----	----	----	----
(b) Counseling and guidance for career, college, vocational education.	X	X	X	X	X	X	----	----	----	----	X	----	X	X	X	----	----	----	----	----	----	----	X	----	----	----	----	----
(c) Dropout intervention and prevention services	X	----	X	----	X	----	----	----	----	----	X	----	----	X	X	----	----	----	----	----	X	----	----	----	----	----	----	----
(d) Social support skill services; e.g., health care, alcohol and drug abuse, sociopsychological counseling, extracurricular activities.	----	X	X	----	X	X	----	----	----	----	----	X	X	X	X	----	----	----	----	X	X	X	X	----	----	----	----	----

Analysis of field hearings	Oregon	Alaska	New York	Massachusetts	Maine	Kansas	Michigan	Iowa	Oklahoma	Illinois	Wisconsin	Nevada	Montana	North Dakota	South Dakota	Wyoming	Idaho	Colorado	Utah	Arizona	New Mexico	California	Washington	AIE	ANTS	CICSB	NIEA	NEA
POSTSECONDARY AND ADULT EDUCATION																												
Finances:																												
(a) Inadequacy, uncertainty, lack of continuity of program funding.	----	----	----	----	X	----	----	----	X	----	----	X	----	X	X	----	X	----	----	----	----	----	X	----	----	----	----	X
(b) Student/trainee financial support needs	----	X	X	----	X	X	----	----	----	----	----	----	X	X	X	----	X	----	X	----	----	X	----	X	----	----	----	X
Program structure:																												
(a) Lack of relevant focus in adult education programs.	----	X	X	----	X	----	----	----	X	----	----	X	X	X	X	----	X	----	X	X	X	----	X	X	----	----	----	----
(b) Failure of program services to reach all Indians: Urban, landless, terminated, rural, federally, and nonfederally recognized.	----	----	X	----	X	X	X	----	----	----	----	----	X	X	----	----	----	----	----	----	----	----	X	----	----	----	----	----
(c) Inadequacy of support services: Sociopsychological counseling, legal counseling and childcare services, vocational and career guidance.	----	----	X	----	----	----	----	----	----	----	----	X	X	----	----	----	----	----	----	----	X	X	----	----	----	----	----	----
(d) Need for outreach programs	----	----	X	----	X	X	----	----	----	X	----	----	----	----	----	----	X	----	----	----	----	X	----	----	----	----	----	----
Program content:																												
(a) Need to focus on education professions: Teachers and administrators.	----	X	X	----	X	----	----	----	----	----	----	----	X	X	X	----	----	----	----	----	----	----	X	----	----	----	----	X
(b) Need for paraprofessional training	----	X	X	----	X	----	----	----	----	----	----	----	X	X	X	----	----	----	----	----	----	----	X	----	----	----	----	X
(c) Need for followup services to insure success of Indian students in postsecondary programs; i.e., financial, personal, and academic counseling.	----	----	X	----	----	----	----	----	----	----	----	----	X	X	----	----	----	----	----	----	----	----	X	----	----	----	----	X

Analysis of field hearings	Oregon	Alaska	New York	Massachusetts	Maine	Kansas	Michigan	Iowa	Oklahoma	Illinois	Wisconsin	Nevada	Montana	North Dakota	South Dakota	Wyoming	Idaho	Colorado	Utah	Arizona	New Mexico	California	Washington	AIE	ANTS	CICSB	NIEA	NEA
FEDERAL AGENCY ADMINISTRATION OF PROGRAMS																												
Policy concerns:																												
(a) Exclusion of segments of the Indian population by eligibility criteria, funding practices.	----	X	X	X	X	X	X	X	X	X	----	----	X	X	X	X	X	X	----	X	----	----	X	----	----	----	X	X
(b) Lack of definitive statement or philosophy of Indian education upon which program objectives are based.	----	----	----	----	----	----	----	----	----	----	----	----	X	X	X	----	----	X	X	----	X	----	----	----	----	X	----	X
(c) Increased local community and tribal control in defining needs priorities at all levels of program operations.	----	X	----	----	X	X	X	----	X	----	----	----	----	----	X	----	X	X	----	----	X	----	X	----	----	X	----	----
(d) Increased funding for program planning and development and incentives for permanent program implementation at the LEA, State and Indian community level.	----	----	X	----	X	----	----	----	----	----	----	----	X	----	----	----	----	----	X	X	X	----	----	----	----	----	----	----
(e) Lack of stable, adequate funding and funding continuity.	----	X	X	X	X	X	X	----	X	----	X	X	X	X	X	X	X	X	----	X	X	X	X	X	----	X	----	X
(f) Lack of resources, incentives to States and localities to insure that development and growth of Indian controlled institutions.	----	----	----	----	----	----	X	----	----	----	X	----	----	X	X	----	X	----	----	----	X	----	----	----	----	X	----	X
(g) Need to clarify the legal role of USOE, BIA in providing educational services to Indians.	----	----	X	----	----	----	----	----	----	----	----	----	----	----	X	----	X	----	X	----	----	----	----	----	----	----	----	----
(h) Exclusions of alternative, nontraditional educational models from funding eligibility.	----	----	X	----	----	----	----	----	----	----	----	----	----	X	----	----	----	X	----	----	----	----	----	----	----	----	----	----
(i) Continued emphasis by Federal agencies on relocation and assimilation of Indian people.	----	----	X	----	----	----	----	----	----	----	----	----	----	X	----	----	----	----	----	----	----	----	X	----	----	----	----	----
(j) Failure to establish a policy for school construction and renovation that realistically responds to the needs of the Indian community.	----	----	----	----	----	----	----	----	----	----	----	----	----	----	X	----	----	----	----	----	X	----	----	----	----	----	----	----

Analysis of field hearings	Oregon	Alaska	New York	Massachusetts	Maine	Kansas	Michigan	Iowa	Oklahoma	Illinois	Wisconsin	Nevada	Montana	North Dakota	South Dakota	Wyoming	Idaho	Colorado	Utah	Arizona	New Mexico	California	Washingto	AIE	ANTS	CICSB	NIEA	NEA
FEDERAL AGENCY ADMINISTRATION OF PROGRAMS																												
Management issues:																												
(a) Failure to notify applicants promptly of rejections of funding requests, reductions in funding, or to make timely disbursements of funds to grantees.	----	X	X	----	X	----	X	----	----	----	X	----	X	----	X	X	X	----	----	X	X	X	----	X	----	----	----	----
(b) Overlap, duplication of funding priorities among Federal programs and neglect of critical needs areas.	----	X	----	----	----	----	----	----	----	----	----	----	----	----	X	----	----	----	----	X	----	----	----	----	----	----	----	----
(c) Lack of adequate, available technical assistance in grantsmanship.	----	X	X	----	----	----	----	----	----	X	----	----	----	----	X	----	----	----	X	----	X	----	----	X	----	----	----	----
(d) Need for communication and coordination among Federal agencies and between Federal agencies and the entities they fund.	----	X	X	X	X	X	----	----	----	----	X	X	----	X	X	----	X	----	X	X	X	----	----	X	----	----	----	----
(e) Need for better communication between Federal programs and their constituents.	----	----	X	X	----	----	----	----	----	----	----	X	----	----	----	----	----	X	----	----	----	X	----	----	----	----	----	----
(f) Need to provide competent program staff to deliver technical assistance to grantees at the local level.	----	X	X	X	X	X	X	X	----	----	----	X	X	X	----	----	X	----	----	X	X	X	----	X	----	----	X	----
(g) Inadequate monitoring of grants to insure that services intended for Indian people actually reach them and meet designated quality standards.	----	X	X	X	X	----	----	----	----	----	X	----	X	----	X	----	----	----	X	----	X	X	----	----	----	----	----	----
(h) Need for direct funding of local programs from Washington, D.C., central office.	----	X	----	X	X	----	X	----	----	----	X	----	----	----	X	----	X	----	----	----	X	----	----	----	----	----	----	----
(i) Need for consistent budgeting of schools, program services by BIA.	----	X	----	----	----	----	X	----	----	----	X	X	X	----	----	----	X	----	----	----	X	----	----	X	----	----	----	----

Analysis of field hearings	Oregon	Alaska	New York	Massachusetts	Maine	Kansas	Michigan	Iowa	Oklahoma	Illinois	Wisconsin	Nevada	Montana	North Dakota	South Dakota	Wyoming	Idaho	Colorado	Utah	Arizona	New Mexico	California	Washington	AIE	ANTS	CICSB	NIEA	NEA
FEDERAL AGENCY ADMINISTRATION OF PROGRAMS																												
Program structure:																												
(a) Ineffectiveness of existing funding structure:																												
1. Excessive costs of multiple levels of program administration.	----	X	X	----	----	----	----	----	----	----	----	X	X	----	X	----	----	----	----	X	----	----	----	----	----	----	----	----
2. Nonresponsiveness of funding process to needs of small tribes.	----	----	----	----	----	----	X	----	----	----	----	X	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
3. Inadequacy of dissemination of information on funding process, eligibility.	----	X	----	----	----	----	----	----	X	----	----	X	X	X	X	----	X	X	----	X	----	X	X	X	----	----	----	----
(b) Necessary changes in program structure:																												
1. Development of a central office charged with responsibility for administration of educational services and technical assistance to local communities.	----	X	X	----	X	----	----	----	----	----	X	----	X	X	----	X	X	----	----	X	X	----	X	X	----	----	X	----
2. Extension of program authority to contract with tribes, community organizations and clarification of contracting procedures.	----	----	----	----	----	----	----	----	----	----	----	X	X	X	X	----	----	----	----	X	X	----	X	----	----	X	----	----
3. Creation of Indian education centers to carry out research, resource development, and dissemination of information.	----	X	X	----	X	----	----	----	----	----	----	X	----	X	----	----	----	----	----	----	----	----	----	----	----	----	X	----
4. Clarification of decisionmaking structure from the Federal agency to the local level.	----	X	X	----	X	----	----	----	X	----	----	----	----	X	----	----	X	----	X	----	----	X	X	----	----	----	----	----

5. Training of staff to insure uniform interpretation of program guidelines and regulations.	----	----	X	----	----	----	----	----	----	----	----	----	----	X	----	----	X	----	----	X	----	----	----	----	----	----	----	----
6. Promulgation of minimum quality standards for program services, facilities, and maintenance.	----	----	----	X	----	----	----	----	X	----	----	----	X	----	X	----	----	----	----	X	X	----	X	----	----	----	----	----
7. Clarification and revision of program guidelines and regulations:																												
(a) Eliminate restrictions on use of funds that undermine successful responsive programing.	----	X	----	----	----	----	----	----	----	----	----	X	----	----	----	----	----	----	----	----	----	----	----	----	X	----	----	----
(b) Clarify eligibility requirements and authority of parent committees.	----	X	X	----	----	----	----	----	----	----	----	X	X	----	X	----	----	----	X	----	----	X	----	----	----	----	----	----
(c) Clarify definition of "local educational agency".	----	X	----	----	----	----	----	----	----	----	----	----	X	----	----	----	X	----	----	X	----	----	----	----	----	----	----	----
(d) Define "nepotism" in terms relevant to the structure and available skill resources of Indian communities.	----	----	----	----	----	----	----	----	----	----	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
8. Revision of existing census data to insure an accurate enumeration of Indian population.	----	----	X	X	----	----	X	----	----	----	----	----	----	----	----	----	----	----	----	X	----	----	----	----	----	----	----	----
9. Minimization of the number of advisory committees required by Federal programs and increased coordination of existing advisory committees.	----	X	----	----	----	----	X	----	----	----	----	----	X	X	----	----	----	----	----	----	----	----	----	X	----	----	----	----
10. Targeting of funds to increase local resources and community capacity to monitor and operate federally funded programs.	----	----	X	----	X	----	X	----	----	----	----	X	X	X	X	----	X	----	X	----	----	X	----	----	----	----	----	----

Analysis of field hearings	Oregon	Alaska	New York	Massachusetts	Maine	Kansas	Michigan	Iowa	Oklahoma	Illinois	Wisconsin	Nevada	Montana	North Dakota	South Dakota	Wyoming	Idaho	Colorado	Utah	Arizona	New Mexico	California	Washington	AIE	ANTS	CICSB	NIEA	NEA
STATE/LOCAL ADMINISTRATION OF FUNDS AND SERVICES																												
(a) Failure of State/locality to institutionalize programs for Indian pupils initiated with Federal funding.			X									X		X					X				X					
(b) Failure to initiate procedures that attract and retain competent staff.														X	X													X
(c) Need for training and in-service training to sensitize non-Indian teachers and administrators to the special needs of Indian children.		X	X		X	X			X	X	X	X	X	X	X		X	X	X		X	X	X					X
(d) Inadequate coordination of local educational agencies within a school district, within a State.		X	X																									X
(e) Ineffective programing of moneys intended for services for Indians by local education agencies.			X		X				X																	X		
(f) Need to redefine school districts so that the schools Indian pupils attend are closer to where the Indian population is concentrated.		X													X				X	X								
(g) Hostility of State/locality toward special programs for Indians.			X		X				X			X	X	X														

(h) Need to develop standards of competency for teachers of Indian languages, culture and history and to develop review procedures to insure the accuracy of instructional materials on native Americans.	----	----	X	----	X	----	----	X	----	----	----	X	----	----	X	X	----	----	----	----	X	----	X	----	----	----	----	X
(i) Need to disclose State revenues that are generated by Indian lands and resources and to identify how these revenues are spent.	----	----	----	X	----	----	----	----	----	----	----	X	----	----	X	X	----	----	X	----	----	----	----	----	----	----	----	----
(j) Need to improve Indian community-school relations:																												
1. By increasing parent and community involvement in defining Indian needs and making program decisions.	----	X	X	X	X	X	X	----	X	X	X	X	X	X	X	----	X	----	X	----	X	X	X	----	----	----	----	----
2. By increasing communication, coordination of efforts of the LEA with the Indian community.	----	X	X	X	X	X	X	----	----	----	X	----	X	X	X	----	X	X	----	----	X	----	X	----	----	----	X	----
3. By acknowledgment of the LEA of the role of the tribal council, the tribal education committee.	----	----	----	----	----	----	----	----	----	----	----	X	X	----	----	----	----	----	----	----	----	----	X	----	----	----	----	----
4. By parent training	----	X	----	----	----	X	X	----	----	----	X	X	X	X	X	----	----	----	X	----	X	----	X	X	----	----	----	----
5. By initiating a policy of hiring Indian professionals at the teaching, counseling and administrative level.	X	X	----	X	X	----	X	----	----	X	X	X	X	X	X	X	----	----	----	----	----	----	X	X	----	----	----	----
6. By increased dissemination to the Indian community of information all Federal programs under which the educational institution receives funding on the basis of its Indian enrollment.	----	----	X	X	X	----	----	X	X	----	X	X	----	X	X	----	----	----	----	----	----	----	----	----	----	X	----	----

Analysis of field hearings	Oregon	Alaska	New York	Massachusetts	Maine	Kansas	Michigan	Iowa	Oklahoma	Illinois	Wisconsin	Nevada	Montana	North Dakota	South Dakota	Wyoming	Idaho	Colorado	Utah	Arizona	New Mexico	California	Washington	AIE	ANTS	CICSB	NIEA	NEA
LEGAL CONCERNS																												
(a) Litigation:																												
1. Treaty rights, land claims			X		X																	X						
2. Trust relationship and trust responsibilities					X																							
(b) Taxation of Indian assets by the States												X																
(c) Necessary revision of tribal constitutions and by-laws.												X																
(d) Student rights															X													
(e) Tribal retention of copyright on bilingual/bicultural materials developed by the tribe through Federal funding.													X				X											
(f) Interpretation and compliance requirements of title VI of the Civil Rights Act.												X		X														
(g) Definition of the scope of and legal basis for State responsibility to provide educational services for Indians.			X	X									X	X	X							X		X			X	
(h) Definition of Indian for purposes of services eligibility, clarification of legality of Federal agency blood quantum requirement.			X				X		X	X	X		X		X	X			X			X						
(i) Obligation of the State/Federal Government to provide educational services to all Indians at all levels of education, on and off the reservation.			X		X						X				X													

In particular, there was an expressed need for more training and technical assistance for the parent advisory boards and local boards of education regarding their responsibility and authority over Indian programs. Similarly, there was frequent mention of the need to clarify the language and provisions of the rules and regulations of the federally funded programs. It was indicated that under the present conditions many parents were unwilling and unable to participate in the advisory committees due to their inability to understand the exact nature of their role and responsibilities. They also expressed an inability to bear the expenses which participation would necessitate, but which were not provided for in the program funding. It was also mentioned time and time again that communications between the federal, state, and local offices needed to be improved if serious misunderstandings and lack of information were to be avoided.

In the area of student services, there were many common, frequently presented concerns. Much stress was placed on the need to establish clearly defined goals of education at every level and to provide the necessary support services. Many persons expressed the need for improved standards of Indian education in order to assure that Indian students were being prepared to serve their local communities successfully or to find adequate employment. There was also concern that college-bound Indian students were not sufficiently prepared to compete in institutions of higher education. Testimony indicated that college-bound students were frequently denied financial assistance, particularly if they were interested in graduate education. It was frequently suggested that college assistance for Indian students be administered by one office. This was usually the office of the local Bureau of Indian Affairs specialist.

For the non-college student, the high school dropout and the adults, there were frequent indications that more vocational and career education was needed. There were also indications that students in the elementary grades also needed career and vocational awareness. They should receive training that will provide them with skills to be used in their employment search.

There were indications that students at all levels of education needed the services of counselors. The needs which were to be met by these specialists were: assistance in overcoming socio-emotional problems, encouragement to work and succeed at school, assistance in gaining information about opportunities in higher education and employment, and assistance in coping with and succeeding at institutions of higher education. There were also indications of needs in the areas of health education including the study of drug and alcohol abuse and sex education. Special programs were also suggested for the handicapped as well as the gifted.

In an overall student service area, there were repeated suggestions that the school curricula at all levels needed to be evaluated and revised in terms of content as well as the structure of the educational program. One consistent need was for the inclusion of Indian history, culture, language, art and medicine in the school programs. It was also suggested that appropriate texts and learning materials be developed that would effectively meet the needs of Indian students and accurately teach the Indian studies programs. The stress placed on bilingual education was particularly evident in the testimonies of Alaskan and Southwestern witnesses. However, curriculum revision and relevancy was a general concern throughout the hearings.

Related to changes and revisions of the schools were the stated suggestions that more Indian persons be trained and hired to take positions ranging from national offices of education to positions as instructional aides. There were indications that affirmative action policies were not being met and this continued practice of discriminatory hiring was preventing the employment of qualified Indian persons. There were also frequent references to the need for change in the hiring practices in the civil service. There were indications that BIA schools were often less than effective due to the continued employment of ineffective persons particularly in supervisory and administrative positions.

In terms of physical conditions affecting education, there was frequent mention of the need to provide new or improved facilities for Indian children. Where Indian persons make up the majority of a community population, it was also suggested that they be allowed to form their own school districts.

The testimony collected through these field hearings also provided a basis for contrasting evaluations by agencies serving Indian people of their programs' effectiveness and those of the people who were served by the programs. Testimony by the administrators of the Title IV, Indian Education Act Program and by the Education Director of the Bureau of Indian Affairs (B.I.A.) underscored the lack of defined, consistent policies to deal with many of the issues raised by Indian people at the local community level. Determinations of what was meant by the program "on or near the reservation" for purposes of Title IV, Part A Program funding were admittedly made on a case-by-case basis. Similarly, the programs made decisions on program priorities, continuation funding and related policy issues through internal program administrative processes that were not communicated to the program's constituents. The lack of effective program management from the federal to the local level was a source of much concern to both the parent committees and program staff operating federal educational programs.

The point of view that pervaded the testimony of the program administrators was an evaluation of program performance that was based on adherence to a concept of the law or agency policy rather than an actual performance. The Acting Deputy Commissioner of Indian Education confirmed that Title IV, Part A parent committees are to have a substantial role in the grant application and management process. However, confronted with examples of a breakdown or dissolution of the school's relationship with its parent committee, he gave no indication of assistance available through the program office to help resolve the problem. Similarly, while the program recognizes that many grantees need extensive technical assistance, the Acting Deputy Commissioner indicated little is provided other than through the annual national level conferences due to the constraints of staffing and funds for travel.

C. CONCLUSION

The testimony overwhelmingly indicated that effective and relevant educational services are a top priority among Indian people. The failure of Indian people—youth and adults—to be educated is based on many factors, some of which relate to their personal social and economic circumstances and others of which relate to the various problems created for them by the federal agencies and educational institutions charged with providing them services. Many important recommendations were suggested by the witnesses. These recommendations appear in the categories outlined below:

The hearings indicate a wide concern in elementary and secondary education matters. The witnesses were not most dissatisfied with the program content affecting these areas but rather with the program administration. Their concerns were of a policy, management, and program structure nature. *Parents indicated that at the junior and senior high school level, faculty appeared to have hostility towards the Indian students.* These parents felt that a much higher standard of behavior was demanded from Indian students, and yet according to these same parents, punishment for these students appears to be more severe. Another problem identified by the parents was the need for recreational facilities during and after school as a means for providing social support to the students. Such support as well as improved counseling and guidance was seen as a means for dropout intervention and prevention. *There appeared to be a widespread feeling by the parents testifying that the problem years for Indian students were from the junior high level onward.* They stressed the need for Indian teachers and counselors who could relate to Indian students regarding the development of both basic and coping skills. In addition, many parents stated that they did not feel their children were being tested in a meaningful way. They wanted their children evaluated fairly on the basis of competency and performance. *The majority of witnesses felt the only solution to the problems identified above was to begin an immediate, consistent, and long-range effort to train American Indian administrators, teachers, and counselors.* Such training should be subsidized by the federal government and contingent on an agreement that these professionals will return to work with Indian students. As an immediate effort, witnesses felt that local Indian people should be utilized particularly as counselors for work with Indian students and that an organized clearing house of Indian educators be developed so that parent committees and school administrators would have ready access to trained Indian professionals.

A uniform thread throughout the hearings was the call for improved curriculum. Parents stressed the need for basic skills training but also urged that Indian cultural materials, particularly about Indians indigenous to the area, as well as other tribes be included in the curriculum. A number of program administrators who testified described the active curriculum development stimulated through various federal programs (Title IV, the Indian Education Act, and the Johnson O'Malley Act). Many of these efforts were organized by Indian educators and local Indian resource people. These materials have become important classroom aides as well as orientation guides for teachers and administrators.

The witnesses made a number of recommendations in this area. They called for resource and technical assistance centers to assist local groups in writing and organizing Indian curriculum materials. *Many witnesses felt a national textbook commission of Indian educators should be organized to work with Indian spiritual leaders, historians, and local educators to write an accurate portrayal of Indian peoples, their cultures, and contributions to this country.* Most witnesses felt strongly that an accurate picture of the American Indian would do much to restore the positive self-image of Indian people as well as improve the local relations among Indian and non-Indian people.

Financing Indian education, in both the public and Bureau of Indian Affairs schools, was a recurring need called to the Task Force's attention. *Witnesses described the massive construction backlog, aged dilapidated buildings, extensive renovation, and maintenance needs for the schools attended by Indian children.* Many of the witnesses related the many years their school had been on the Public Law 815 (School Construction) list only to find the next year, that due to a natural disaster, their school had been dropped further down on the list. Overcrowded and understaffed classrooms were also an area called to the Task Force's attention. Many of the administrators complimented the federal government for its lead in funding compensatory programs in which Indian students participated and noted without these federal monies, their schools would not be able to include such programs in the curriculum.

The area of basic operation funds for schools educating Indian students was pinpointed as needing federal assistance particularly where Indian reservations are located. Administrators noted that because of tax exempt status of Indian reservations, isolation, and long distances which children must be transported, basic support was a critical area in need of federal assistance.

All the witnesses recommended that a stable financing program for basic and supplemental support be immediately organized by the federal government for all schools educating Indian children.

Federal administrative agencies, U.S.O.E. and B.I.A., serving Indian children come under severe criticism from the witnesses Despite recent funding of Indian language and culture programs, the witnesses stated that these agencies do not see such programs as legitimate educational objectives but rather as a mechanism for facilitating mainstream language and values. *Neither agency has developed mechanisms for effectively working with Indian tribes, organizations, and communities to identify their educational needs, develop a budget, and method to respond to these needs based on the priorities developed at the local level.* Program decisions are made behind the scenes by these agencies as to which areas of the Indian population will participate in which programs the agencies decide are the priorities. Schools attended by Indian children are at the mercy of the program priorities set each year by the federal agency and cannot adequately plan an education program based on the needs of their students to receive a comprehensive educational program. Federal programs are funded on such an erratic basis, it is difficult for schools to do advance planning concerning both personnel and the operation of their school program.

Training and technical assistance provided by the federal agencies are extremely limited or non-existent. *Witnesses indicated an urgent need for an organized and stable training, technical assistance, and evaluation effort both for local educational staff as well as those staff members in the federal agencies working with Indian projects.*

Information concerning program criteria, eligibility, and funding was repeatedly called inadequate by the witnesses. They noted that neither U.S.O.E. or B.I.A. had an organized information system about eligible programs, special grant and contract activities, or even about regulation or program priority changes. The only people assured of such notification were currently funded programs.

Witnesses had a number of recommendations concerning these agencies. *Many people stressed the importance of a clear statement concerning the role and responsibility of U.S.O.E. and B.I.A in educating American Indians* Many witnesses felt that these agencies should clearly state their policy on educating American Indians and stop "passing the buck." Indian people should not have to compete against each other for limited resources; rather, these agencies should organize, clarify, and publicize an educational program to reach all Indian people. *A thorough review and reform of decision-making concerning program priorities, eligibility of Indian recipients, and contracting procedures was called for by many witnesses.* They recommended organizing a clear administrative office for Indian education with all the attendant functions, to operate from Washington, D.C., directly to the schools and communities impacting Indian people. They suggested such an office could clarify fiscal and educational responsibility of the United States and reduce administrative costs for federal programs through program consolidation and reorganization.

All the Indian witnesses testifying before the Task Force stressed that the federal government had an obligation to educate Indian children and people. They viewed this obligation as stemming from treaties as well as from the taking of their original homelands. The majority of these witnesses felt that the federal obligation should be provided by special programs funded for Indian people including basic and supplemental support as well as scholarships. *Where Indian communities wished to operate a local school system, the witnesses felt that the federal government should assure and assist them in obtaining both the legal authority and funds to do so.* A clear statement of policy from the federal government, supporting the right of Indian people to educate their children in the manner they choose, was the constant recommendation of the witnesses. Such a policy should not only clarify the role of the federal government but that of the state as well. *All the witnesses recommended that it was time the federal and state governments accord Indian people their educational rights including financial and philosophical support for basic educational competency and for freedom of cultural expression.*

From the past to recent times, there has never been an adequate funding base to provide meaningful educational services to Indian people. Moreover, decision-making authority always has been vested in some administrative entity outside the Indian community. As a result, the hearings by the Task Force on Indian Education have brought into focus those issues and needs which, like Indian culture, have been handed down from one generation to the next in Indian communities throughout the United States.

SECTION VI
SPECIAL STUDIES

SPECIAL STUDIES

The Special Studies section illustrates a microcosm of unresolved issues in the education of Indian children and people.

The Navajo report notes the varying administrative jurisdictions at work on the reservations, their varying standards and facilities, and the attempt by the tribe to organize a system of education with adequate financing. The Navajo tribe has the largest number of school-age children. Yet, educational opportunity for Navajos has only recently begun to reach these children. In every sphere, educational efforts are totally inadequate—from policies, facilities, to staffing and programming.

The non-Federally recognized Indians' report describes the struggle these people have had for education as Indians. The report notes how recently the segregation patterns have been loosened and again the total inadequacy of education.

Four tribal communities were surveyed for their views on elementary and secondary education. While varying on many elements of curriculum and staffing one consistent thread called for was Indian tribal control of education.

The off-reservation boarding school section highlights various investigations and Task Force site visit concerning these schools. It is clear that the character of students in these schools are rapidly changing and yet the schools, their program, and faculty have virtually been left to operate themselves over the last decade.

An expanding effort in Indian community controlled schools is outlined in the next section. The gross indifference and neglect by the Executive Branch is graphically described. In spite of overwhelming obstacles, these schools continue to meet the needs of their students.

Higher education for Indian students generally and the development of Indian tribal institutions of higher education is then described, and, once again, indifferent neglect and undefined policy appear as overriding problems.

These special studies point up the need for a Congressional attention and action to support educational opportunities for Indians.

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SECTION VI

SPECIAL STUDIES

SPECIAL REPORT ON NAVAJO EDUCATION

Introduction

The purpose of this report is to summarize the American Indian Policy Review Task Force hearings held on May 23, 1976 at the Civic Center in Window Rock, Arizona. It includes: (a) a summary of the education system (or non-system) on the Navajo Reservation; (b) problems and issues brought forth in testimony; (c) responses and needs expressed in description of the Navajo Comprehensive Education Plan (NCEP); and (d) recommendations brought forth.

Navajo Education—A Summary

Education on the Navajo Reservation does not fall under one system. Four different agencies administer schools throughout the area: Bureau of Indian Affairs (BIA), state-operated public schools, community-controlled contract schools, and mission schools.

The fact that the BIA, public, and contract schools each have separate administration guidelines and funding indicates lack of coordination and lack of recognition of needs unique to the Navajo area. Much of this testimony dealt with extant problems—not with specific solutions.

BIA Schools

Since the BIA schools are operated strictly by directives from the Area Office, people complained of having no input into the decision-making process. School boards exist but have only an advisory role. As a result, matters pertaining to personnel and curriculum—considered two of the most important issues—are out of the people's hands. That is, first, curriculum materials are out of date; second, teachers who are incompetent are not relieved of their jobs but rather transferred to another school.

The operation of the BIA dormitories has alienated students from both family and school. Students come home to parents unwilling to work or honor customs. Because of vague policies on student conduct and inconsistent enforcement of these policies, teachers and parents alike complain of the lack of discipline. Absenteeism and delinquency are the result.

Public Schools

Public schools are administered by the three states in which the Navajo Reservation is included. Each of these three states—New Mexico, Arizona, and Utah—have their own systems of administration and guidelines and each is operated by a state agency unequipped (or unwilling) to administer to local needs.

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Public schools confront the same problem which BIA schools face: the problem of distance from Indian homes. Students who live within one and one half miles of a paved road are required by law to attend public schools. From the distance which they must travel to a paved road, they must still journey many miles by bus to the public school itself. In some instances, the round trip bus rides cover more than 160 miles. This procedure of busing students long distances to large, consolidated public schools aroused the most vehement complaints in task force hearings. It was argued that the great distance fatigued the younger children, alienated the older students from their homelife, wasted time which might have been spent in the classroom, and wasted money which might have aided school programs. Finally, most Navajos agreed, the busing policy discouraged the construction of new, local schools and hastened the deterioration of the schools receiving so many students from so vast an area.

Other complaints involved state distribution of funds—funds which originated both at the state and federal level. For example, distribution of Johnson-O'Malley (JOM) funds was often cited as an example where state and county administrations were cited for abuse. Similarly, in tax funds, the counties were often cited for unequal distribution of vocational education funds and tax funds.

General funding is yet another difficulty. Today, the public schools are responsible for over 50% of the education of Navajo students and operate a school system, which involves the states of Arizona, New Mexico and Utah. In the past, it has been either feast or famine for both BIA and public education. Up to the 1950's, public education affected a relatively small number of Navajo students. After World War II and during the termination period of the 1950's, public education came to the front and many in and out of the Bureau of Indian Affairs expected that within a ten-year period, most Bureau of Indian Affairs schools would be closed. Today, it has been demonstrated that this would not happen and in fact the number of students attending Bureau of Indian Affairs schools has risen instead of decreased as had been predicated.

The inherent potential advantage for the public school is community and local control through the election of a school board. The Navajo themselves can elect the school board members. In this way, there can be complete Navajo control of public school districts if the Navajo people choose to take such action.

During the 1950's and 1960's, Johnson-O'Malley and state funds constituted the vast majority of funds needed to operate public education, and these funds were usually adequate. In recent years, there have been other funding sources available to public schools, as well as in certain instances Bureau of Indian Affairs schools, such as Public Law 874, Title VII, Title IV and so forth. Yet, in spite of the availability of this extra amount of money, public education suffers from a lack of adequate funding. Categorical monies are restricted and cannot be used for the operational support of the public schools. Furthermore, because of recent regulations promulgated by the Bureau of Indian Affairs, use of such money for other than supplemental purposes is impossible, except in certain circumstances. The recent problem at Ganado, where they accumulated over $1,500,000 deficit, and the more recent situation at Chinle, where there was an equally large deficit, has led students of public education on the Navajo Reservation to warn that such a system of education is in extreme jeopardy and may very well cease to exist.

For Chinle, the solution was to tax the taxpayers at an extremely high rate, a procedure which the federal government failed to support. This precipitated a law suit, which nearly ended Chinle's functioning. It is not fair to expect the local taxpayers to make up for the responsibility, which rightfully ought to be shared by the state and federal government. On the other hand, it is unreasonable to expect the taxpayers to pay for their fair share in support of public education.

While the immediate crisis may have passed in terms of whether or not certain of these school districts will open this fall, the problem remains basically unresolved, and it is only a matter of time before it emerges again. The federal government cannot take the position that it is a state responsibility. Congress must exert leadership and work out a long-term solution with the states which will provide equal educational opportunities for Navajo students.

There must be an adequate source of non-categorical federal money for the operation of normal school activities; such funds are presently in woefully inadequate supply. The federal government must assume greater responsibility for the construction of additional reservation public schools. Congress has posted certain regulations, but in some instances monies have not been appropriated; in other instances, they have been completely inadequate; and in still other instances, the Bureau of Indian Affairs has refused to request any monies at all for public school construction.

An adequate system of Navajo education will never be possible until adequate educational facilities equal to those available to off-reservation students are provided. Up to this point, the Congress of the United States has failed to support this principle in its implementation and practice.

The use of Public Law 815 in this regard is both illogical and inadequate. Under this law, the total amount of money provided for the whole United States is less than what is needed on the Navajo Reservation alone. Public Law 93–638 is more of the same—rhetoric. It is inadequate support. Finally, the Bureau is in a conflict of interest situation because, while it is in charge of overseeing and requesting funds for public school construction, it must depend on these same funds for its own construction.

The solution is to centralize programs for Indian education and school construction so as to avoid competition. This dual system of competing education is a luxury which the Navajo cannot long continue to afford. There must be adequate cooperation and coordination between all systems educating Navajo students. In some places on the Navajo Reservation, a Bureau of Indian Affairs school is over-enrolled and the public school under-enrolled; yet, on another section of the Reservation, we might find a contract school over-enrolled and a public school under-enrolled. That close coordination is possible and can be seen by the example at Tuba City, where the Bureau provided most of the money for the high school, and, yet, the actual operation of the educational programs is primarily in the hands of the public school district. Congress certainly should explore the legal ramifications and promote this kind of close coordination.

TABLE 1.—ENROLLMENT NUMBERS OF NAVAJO INDIAN CHILDREN (1973)

	Number
BIA	24, 248
Public	29, 404
Contract	946
Mission	1, 000
Other [1]	2, 545

[1] Includes special education programs, preschools, etc.

Source: Navajo Division of Education

TABLE 2.—ARIZONA SCHOOL DISTRICTS ON THE NAVAJO RESERVATION

Districts with 1973-74 enrollment	Total students	Navajo students	
		Number	Percent
Chinle Elementary School District No. 24	3, 787	3, 525	93
Ganado Elementary School District No. 19	1, 671	1, 507	90
Kayenta Elementary School District No. 27	1, 503	843	80
Puerco Elementary School District No. 18	771	550	71
Tuba City Elementary School District No. 15	1, 674	1, 308	79
Window Rock Elementary School District No. 8	2, 407	2, 314	96
Total elementary	11, 363	10, 046	87
Monument Valley High School District No. 27	522	327	63
Tuba City High School District No. 15	789	493	63
Total high school	1, 311	820	63
Grand total	12, 674	10, 866	84

Source: Arizona Division of Indian Education annual report.

TABLE 3.—ENROLLMENT TRENDS AND PROJECTIONS, 1955-85

	Chinle Elementary	Ganado Elementary	Kayenta Elementary	Puerco Elementary	Tuba City Elementary	Window Rock Elementary	Monument Valley High School	Tuba City High School
1954-55						375		
1964-65	1, 100	1, 120				1, 791		
1969-70	2, 148	1, 400				2, 155		
1973-74	3, 150	1, 576				2, 582		
1974-75	4, 284	1, 671		774		2, 714		
1975-76	5, 308	1, 775		805		3, 121		
1976-77	6, 218	1, 875		865		3, 589		
1977-78	6, 855	1, 975		896		4, 127		
1978-79	7, 751	2, 075		1, 036		4, 746		
1979-80	8, 823	2, 175		1, 065		5, 458		
1984-85	18, 798	2, 675				10, 000		

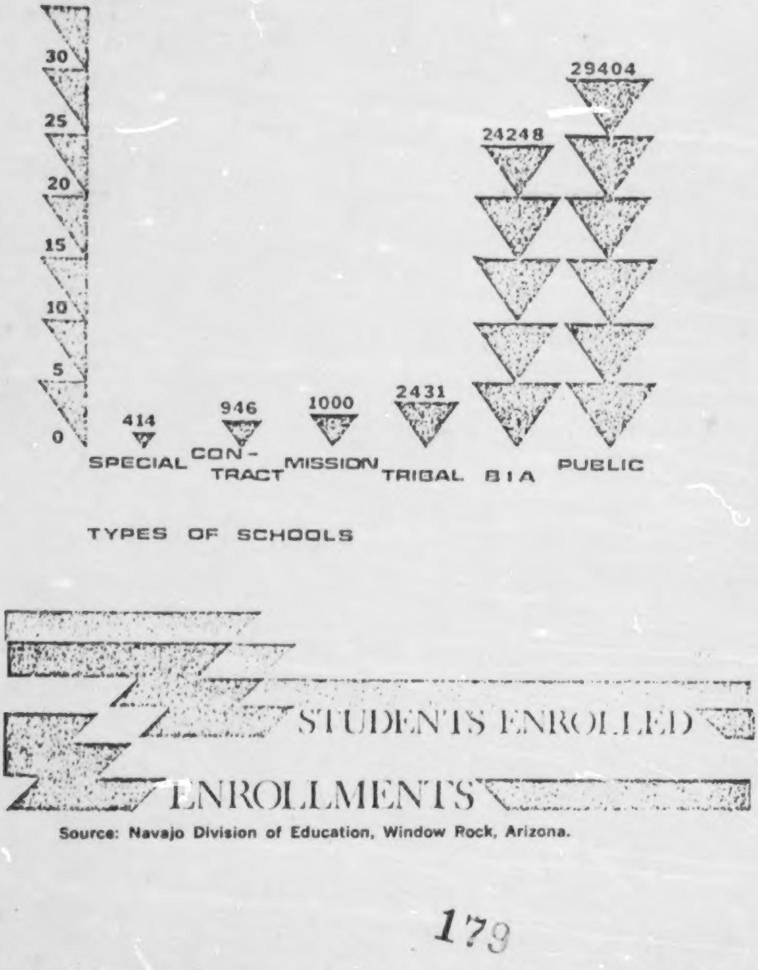
Source: Navajo Division of Education

Contract and Mission Schools.

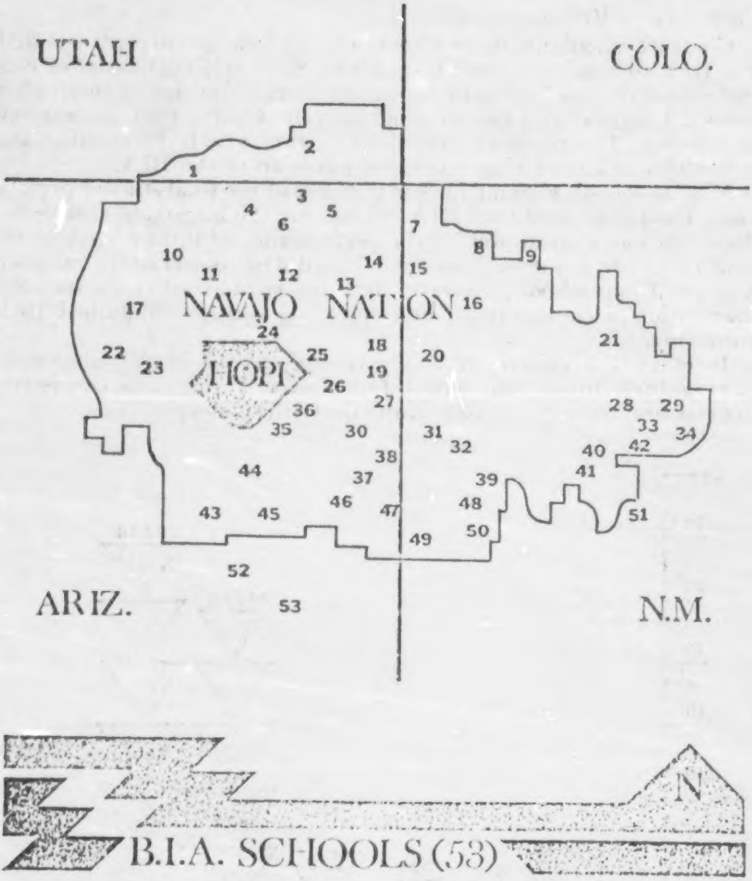
Contract schools are those schools where a local group contracts with the BIA to run the school themselves. Such self-rule includes control over hiring and firing of personnel, curriculum choice, curriculum design, bilingual and special programs, etc. Contract schools are few in number. The reported difficulties pertain mostly to funding and difficulties in contracting for these funds from the BIA.

Mission schools account for less than 1% of the total student population. The public, and then BIA, schools are the largest, in that order. Most testimony spoke well of the performance of these schools in educating children—at least for those who did not object to the religious aspects. These schools, however, have not established extensive communication with the tribe, and have vigorously maintained their autonomy.

In effect, the primary difficulty emerges as the local communities having little input into school functioning, the schools themselves not cooperating with each other, and the tribal policy.



Source: Navajo Division of Education, Window Rock, Arizona.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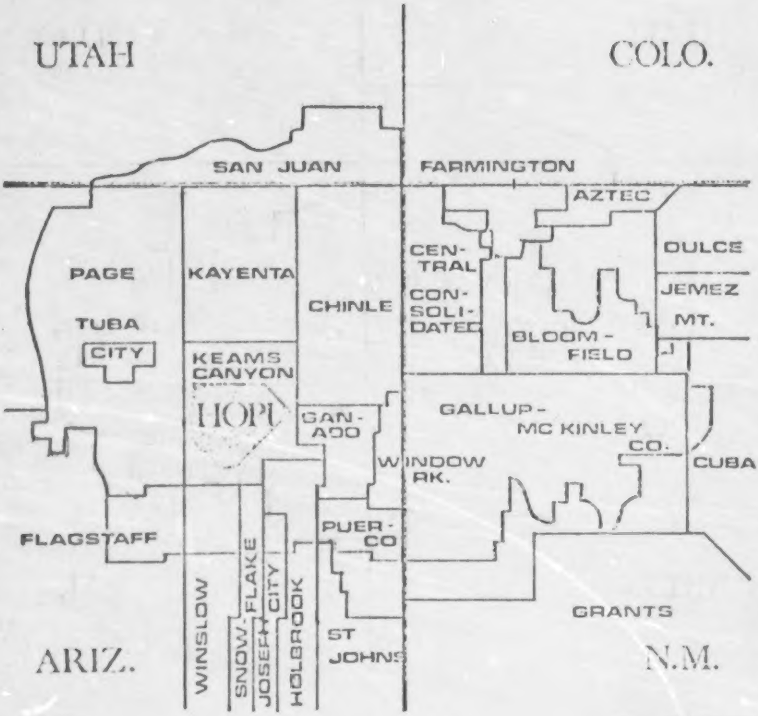
B.I.A. SCHOOLS (53)

Source: Navajo Division of Education.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PUBLIC SCHOOL DISTRICTS

Source: Navajo Division of Education.

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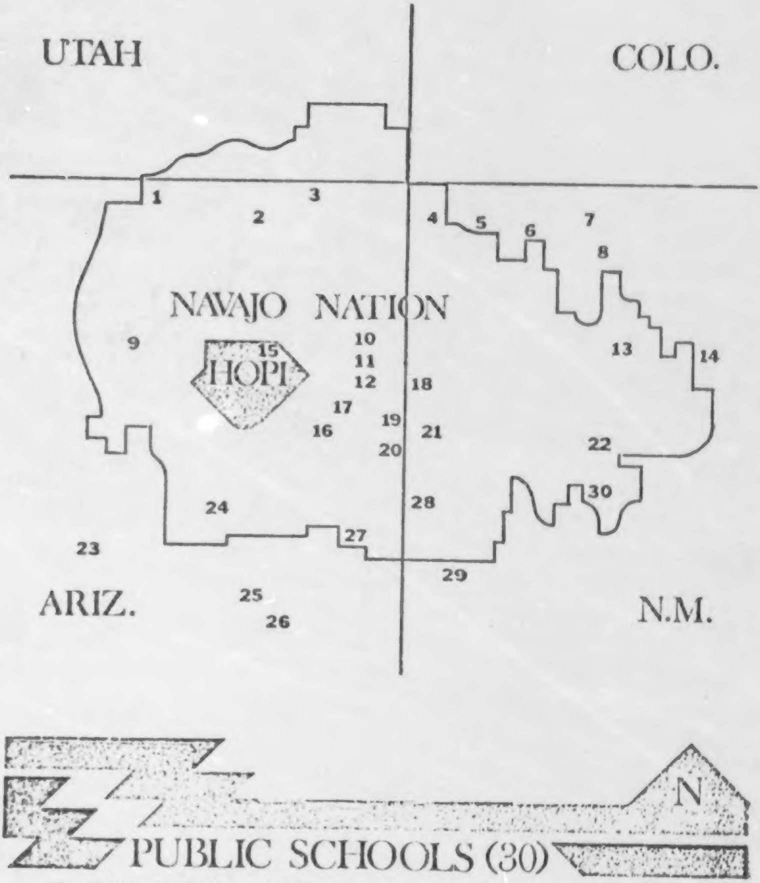
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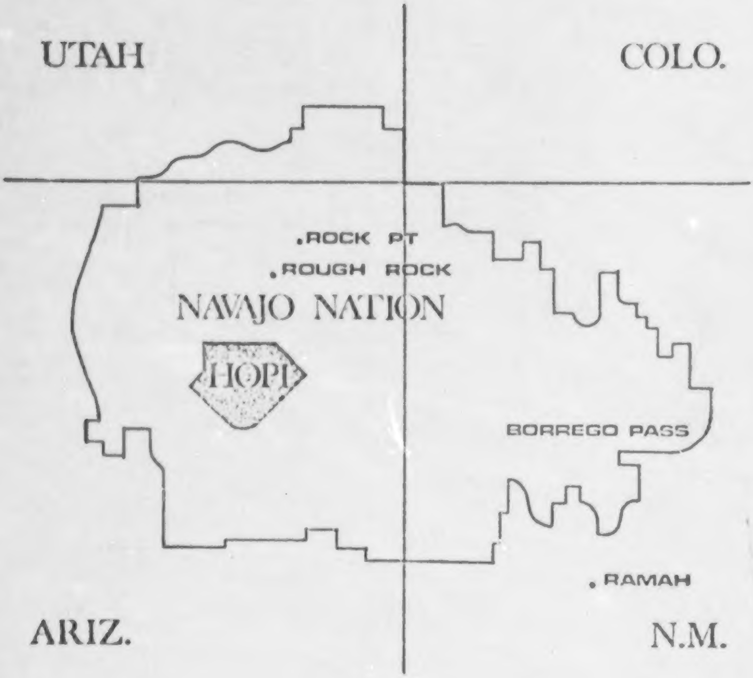
PUBLIC SCHOOLS (30)

Source: Navajo Division of Education.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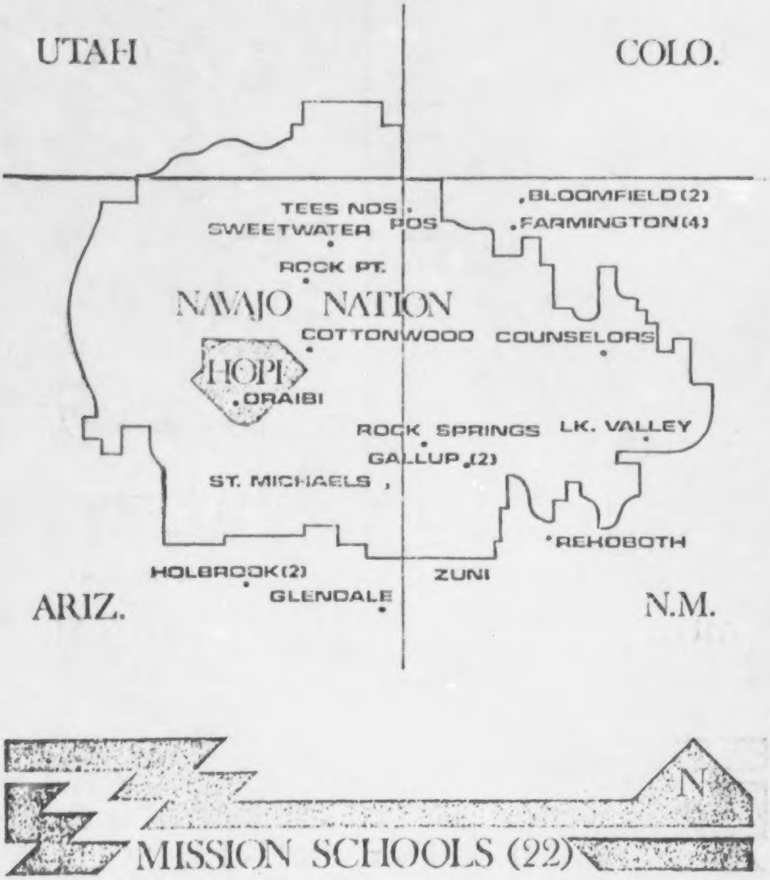
COMMUNITY CONTR'LD SCH'LS

Source: Navajo Division of Education.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BLOOMFIELD (2)
FARMINGTON (4)
ROCK PT.
NAVAJO NATION
COTTONWOOD
COUNSELORS
HOPI
ORAIBI
ROCK SPRINGS
LK. VALLEY
GALLUP (2)
ST. MICHAELS
REHOBOTH
HOLBROOK (2)
ZUNI
GLENDALE
ARIZ.
N.M.
N

MISSION SCHOOLS (22)

Source: Navajo Division of Education.

General Issues

Many issues described in the testimony pertained at most only indirectly to the type of school administration. They seemed to relate more to the maladaptation of any school system designed outside the Reservation to Reservation life.

Among the issues included are the following:

A. Roads.
B. Busing.
C. Counseling.
D. Vocational Education.
E. Special Education.
F. Bilingual Education.
G. Navajo Teachers and Personnel Policies.
H. Health Care.
I. Unity of Tribal Groups.
J. Higher Education.

Roads.—Only few roads are paved. Buses to small local schools must travel over graded dirt or ungraded roads. The result of this state of affairs is most apparent during the winter months, when snows repeatedly fall and melt. The roads become quagmires, causing delays as the buses get stuck, costly repairs from hard wear, and absenteeism. The latter occurs because students often miss school when buses never reach where the children are waiting. Children who miss school because of this fall behind in their work, become frustrated, and "ditch," or become absentees.

Busing.—The issue of busing is related both to the compulsory school attendance law, to the roads situation, and to the policy of local schools. A system in which children are encouraged to ride buses to far-away consolidated schools, over bad roads, while locally-built BIA schools fall into disrepair and reflect a policy detrimental to the stated interests of the Navajos who testified. Testimony cited quasi-official policy on Tribal Resolution CAU 43–61 as the root of much of the evil. Numerous recommendations were made toward the construction or maintenance of smaller local schools with busing distances of at most 15 miles.

Counseling and School Services,—In all schools, counseling was considered inadequate because the personnel failed to address themselves to the students. They were often accused to being "too liberal," and this was explained by lack of knowledge of Navajo life. Personnel simply did not understand enough of the students to take initiative. Also, because their job descriptions do not include home visits, an important source of understanding and action is unavailable.

Vocational Education.—Parents expressed increasing awareness of students' desire for noncollege-bound education. While they recognized efforts to orient students toward college, they also expressed awareness of impending economic development and a desire to take part in it—at all levels of transaction. Need was expressed for better funding of secondary programs, more post-secondary centers on reservation, and better career education to show students realistic employment possibilities.

Special Education.—Vehement objection was made to the extant policy of sending children long distances to off-reservation dormitory schools, to Navajo non-involvement, and isolation. The institutionalization of the children results in their isolation from mainstream American and Navajo life. The fact that there are few Navajos on the staff impairs whatever service is available and results in children, who may simply have language translation difficulties, being placed in these institutions. Testimony included recommendations that more Navajos be included in staff and that special education centers and community satellite centers be established on reservation. Children should not be isolated from family and should be trained to be productive individuals.

Bilingual Education.—Interestingly, the need for bilingual education was seen as having little to do with a child's self esteem or worth. Instead, two variables were considered: comprehension and kinship. In regard to the former, teaching in the Navajo Language or at least referring to Navajo life was seen as facilitating the mastery of other materials. English and other curricula were seen as necessary to learn but could be done with less confusion through the medium of Navajo. In the second, Navajo itself was considered good so that clan affiliation could be properly learned. Failure to do so has caused considerable social and emotional dislocation. However, it was pointed out that neither the states nor the BIA have taken systematic action. Despite repeated requests, BIA and public schools have at most met requests with watered down "cultural awareness" programs, which are often taught in English and do not meet the needs mentioned previously. Much of this failure may be due to guidelines being based on experience with Spanish-speaking groups, which has been demonstrated to have little relevance to Navajos.

Teacher Training.—More Navajo teachers were asked for by all. Nobody favored total replacement of Anglos, but speakers did favor a more equitable number of each than was now available. Their advantages were seen in their greater ability to make children comprehend material, decisiveness in classroom discipline situations, and apparent willingness to stay in school areas longer than the Anglos, thus reversing the appalling turnover rate on the Reservation. The number of teachers trained through programs sponsored by the Navajo Division of Education and others has increased the number of teachers from 178 in 1973 to a present number of 428. The number of other high-level school administrators has increased from 8 to more than 15. However, funds are badly needed to continue training programs. Also, frequent observation was made that BIA and public schools were reluctant to hire Navajo teacher program graduates on the grounds that they are underqualified, and hired aides who are less expensive and less assertive. Those aides who wish to continue their education toward certification experienced frustration at the hands of principals and other administrators, who refused to give them time off to go to classes. For the Anglos, it was hoped that better orientations toward Navajo life would be available. Complaints emerged about Anglo teacher drunkenness, and we infer that this could be related to "culture shock" on their part.

Health Care.—More clinics for schools and regional hospitals were requested. Particular requests were made regarding ear, nose and throat specialists. Hospital distances were too great, and these led to schedule interference for younger children in school.

Unity of Tribal Groups.—Another recommendation was for the Navajo Division of Education (NDOE) and the Navajo Area School Board to stop internecine fighting and help the Navajo people.

While parents recognized the need for vocational education for some students who did not wish for academic training, they maintained that others should have the choice of continuing academic training, but closer to home. Community colleges, like Navajo Community College and other nearby junior colleges, were especially recommended. Many did not wish to go to these community colleges, however, and wanted to have the choice of attending outside colleges. For these people, a tribal scholarship program was established. Complaints have emerged, however, and these involve scheduling, funding, priority, and follow-through. Students received funds too late and were, at times, not even properly informed. Moreover, they were often not even informed until it was too late. In the case of priorities, people complained that only freshmen, who often dropped out, were funded; and the more successful were forced to fend for themselves. Finally, testimony included mention of students flunking out because of homesickness and "culture shock." Follow-through programs, including counseling, for these students was recommended.

Discussion.—Navajos evidence little desire to become the equivalent of a state educational agency. For example they want the BIA schools but want them changed. The large, consolidated boarding schools are wanted less than smaller, more local community schools. The latter are seen as allowing parents more input not only into the educational fate of their children, but also to the sites of employment for those being trained and educated.

Navajo Comprehensive Educational Plan

In response, the Navajo Division of Education (NDOE) has been directed by the Navajo Tribal Chairman to initiate a Navajo Comprehensive Education Plan (NCEP), which will attack the problems of multiplicity and inappropriateness to reservation needs. The purpose of this plan is twofold:

(A) It will encourage the existing educational agencies and attempt to unify the funding and thereby coordinate school operations.

(B) It will attempt to establish guidelines, based on research sponsored by NDOE, which will make educational effort more responsive to the needs of Navajo children.

(C) It will make available research information, which will facilitate the establishment of these guidelines.

The initiation of this plan was based on both basic and developmental research. The former involved ethnographic field work and hearings while the latter involves fiscal analysis, program analysis and monitoring.

Basic Research.—Ethnographic field work was done on a sample of schools and a survey generated from this. This was begun in July 1974 and continued until July 1976. This research was geared to the students' views of issues. In Spring 1975, hearings were conducted in various chapters to determine the views and needs of the adults. This information is instrumental both to short-ranged planning for individual communities, and long-range planning for the reservations at large.

Development and Planning.—Based upon the hearings and research, specific inquiry was made into the development of the following:

A. General Planning Phase (Seminar I): Navajo educators were invited to react to the results tabulated from the Hearings through the Delphi Technique.

B. Accreditation and Certification (Seminar II): Again, Navajo Educators were invited to react to the results tabulated from the hearings and other accumulated information about the possibility of the Navajo Tribe setting standards for teacher certification and school accreditation.

C. Vocational Education: Studies were sponsored, by the Navajo Division of Education, into the system as administered by the BIA, the states of New Mexico, Arizona and Utah, and the employment market to which these different programs have responded. Also, the feasibility of establishing centers for post-secondary school vocational education.

D. Establishment of a program for increasing Navajo Teachers.

E. Bilingual Education: Inquiry into materials, testing, general availability, and program evaluation. There is no doubt that even this planning effort will be expensive. Estimates are in the neighborhood of 0.5 million.

Recommendations

In view of the educational situation described and the possible action to be taken through NCEP, recommendations may be made for both general policy and specific action.

General Recommendations.—The following policy implementation is essential to the proper growth and development of a quality system of Navajo education which meets the needs of individual students.

Adequate Finances.—Whether it be Bureau of Indian Affairs, Public School, Contract School or other, the financial needs of all of these is acute and is growing more serious with each passing day. While it is certainly true that money is never the complete answer, it is equally true that without an adequate, secure source of money, Navajo education can never embark upon bold plans which will strengthen Navajo education.

More Tribal Initiative.—The Navajo Nation is reluctant to move in the direction of assuming total responsibility for Navajo education because it is afraid that the State and/or Federal Government will later pull back their support and will leave the tribe to pay the expenses involved. Thus, its implementation rests on actions which lie outside the control of the Navajo people. Adequate assurances and promises must be kept with regard to the continuation of adequate finances. The recent report from the Office of Management and Budget certainly shows the concern Indian tribes share in fearing that with self-determination comes termination. It is therefore recommended that necessary steps and actions be taken which cannot be revoked and which will provide continued adequate financing to go hand in glove with increased Navajo control over Navajo education. The type of school need not matter.

More Direct Federal Support.—There must be increased federal support which will provide operational, as well as construction funds for all levels and types of Navajo education. The past dependence on Johnson-O'Malley monies which now are drying up are not predicted to provide the amount of money necessary to raise Navajo education to a level equal to that found off the reservation. The Federal Government must assume more than passive, indirect support of public schools. The recent crisis the Chinle Public School system faced demonstrates the need for the Federal Government to extend the definition of its treaty obligation beyond the operation and maintenance of Bureau of Indian Affairs facilities. Channels are not specified here, other than to insure that money be routed in adequate amounts to support all aspects of Navajo education.

Centralized Federal Organization.—It is recommended that there be a single federal funding source for Indian education instead of the present duplicated array of HEW, Department of Interior, Department of Labor, and other federal departmental programs. One quandary extremely high is the overhead and administrative expenses which reduce the amount of money available for the operation and construction programs in the field.

Better Integration of Federal and State Administrations.—It is also necessary to include in these recommendations the role state government must play if Navajo education is to survive and thrive. Exchanges of accusations between the state and Federal Government must be resolved in a manner that will allow each to accept their full share of responsibility for the education of students on the Navajo Reservation. However, state government has tended to point to the Treaty of 1868 and shift responsibility to the Federal Government without referring to the provision in their own state constitution and/or Enabling Act which requires a state to provide education for all of its residents. An adequate joint system of responsibility and support must be worked out in order to avoid the crisis-based, superficial and short term policies of the present.

Upgrading of Education to Parity with Non-Reservation.—It is recommended that all necessary action be taken to establish guidelines to insure that equal educational opportunities are available for Reservation students as with non-Reservation. Testimony stressed again and again that literally thousands of Navajo students are attending schools and facilities that no "Anglo" parents in the surrounding towns would tolerate. Existing effort has been devoted primarily to keeping schools open and not to providing equal educational opportunities. One other alternative would be for the Federal Government to exert more pressure on the states through the courts. Again, it is recognized that "equal" education will involve "compensatory" education.

This latter term implies still more cost than is often anticipated. Included here also is the need for an education which recognizes the culture and language of the Navajo. While often called "bilingual" and "bicultural" it involves both the acceptance of the above recognition in a general, philosophical sense as well as its rigorous implementation in particular programs.

Title IV should be fully funded to effect compensatory education. In this way there would be no competition with other minorities for other Title funding.

It is recommended that adequate funding be made available for any and all schools interested in developing bilingual and bicultural programs. The present multiplicity of federal programs in bilingual and bicultural areas makes it all but impossible for all interested schools to acquire adequate and dependable funding.

It is recognized that the bilingual program under Title VII is a program dominated by non-Indians and aimed principally at the Mexican-Americans. As a result, reservation programs are woefully inadequate and those enjoying such funds have too little help developing a meaningful program. This in turn involves the availability of money for the preparation of materials. The present federal policy of placing a center in Albuquerque, is equivalent to placing the Public Health Service hospital in Gallup to serve the Navajo. This centralization and isolation places the Indians in a position to have to compete with the Mexican-Americans who are numerically and politically stronger, and to do so in a foreign setting at a disadvantage.

Guidelines that are developed by these federal agencies have little or no recognition of the situation that exists on the Navajo reservation. State and federal officials take for granted what might be true elsewhere as being true on the Navajo Reservation. Thus, many problems listed in Section 2 are not realized.

Unification of Educational Effort on the Reservation.—It is vital that the control of Navajo education be vested in a single head or center and not diluted as is presently the case between Bureau, Public and Contract schools. The Navajo tribe should be the entity charged with supervisory responsibility for all types of education on the Navajo reservation as is the case in the state of Arizona for all types of education within the state including private schools.

The Federal Government must see that all of its actions are directed toward implementing and strengthening that position rather than weakening that position, as presently appears to be the case. As it is now it is often said that the Navajos get more than other Indian tribes because they are bigger and more aggressive. This, however, is misleading because even if they did get more funds, per capita funding is less due to the large population. Also, Navajos are again placed in a position where they must compete against other Indian tribes—an unnecessary situation.

Equity of Funding.—It is vital that specific recommendations be made and implemented in terms of providing adequate facilities for all types of Navajo education. Examples were cited in which the Federal Government provided $1,200,000 to build a high school under Public Law 815 and then provided over $100,000,000 to build a high school under the administration of the Bureau of Indian Affairs. The same students are served and there must be some level of equity in the position of federal monies.

Furthermore, all types of individuals, with few exceptions, are frequently quoted as pointing out that good facilities do not necessarily mean good education, but it is also clear that the people living in these off-reservation communities do not tolerate the kind of facilities most Navajo students have to endure.

This is not a recommendation designed as a stop-gap. We are referring to a fundamental need exceeding $100,000,000. Finally, more than mere construction is stressed. A vital first step is the availability of adequate physical facilities for all schools enrolling Navajo students.

Navajo Nation's Relationship to Other Tribes.—It is recommended that Navajo education not be handled in a manner in which the Navajo Nation competes with other tribes for moneys. A belief has been fostered among other tribes that the Navajo get a disproportionately large share of federal monies while many Navajo feel they get a disproportionately small share. The practice of band analysis further aggravates this hidden inequity because while listing priorities of goals, it need not encumber funds for their completion. Thus, a program can be placed as a high priority item and then not be funded.

The Federal Government must recognize it has a responsibility in education, as well as in other areas, which is not diminished by the practice of allowing the Indian to choose where he wishes federal monies spent. There must be a level of federal support which will provide for the Navajo people a level of equal educational opportunities in adequate facilities and this must not be compromised in any manner or in any way.

Research and Development.—It is recommended that adequate research monies be made available to explore the large variety of areas dealing with Navajo education. Further, it is recommended that such monies be contracted with the Navajo Tribe in its recently established Office of Educational Planning and Research rather than with establishments outside the tribe. When the Navajo tribe itself is involved in the research not only are the results of that research retained but also the indirect benefits such as the employment of Navajos in conducting that research and the skills they acquire thereby.

Navajo Board of Education.—All Bureau of Indian Affairs schools in which Navajo students are enrolled should be controlled by a Navajo Board of Education and not, as is true in the present instance, by an advisory board. While it is recognized that there are civil service regulations that impose certain restrictions, it also is true that Congress can revise regulations and pass necessary laws which would enable the Bureau of Indian Affairs schools to be controlled through a more active and adequate arrangement. Only in this fashion will the concept of self-determination be given any meaning other than the conceptual.

Indian Studies Programs.—It is recommended that whatever action necessary be taken to insure Navajo students in Bureau of Indian Affairs schools and contract schools, as well as any school receiving federal money (which would include public schools) have a comprehensive program of Navajo and/or Indian studies when requested by the patrons of the school, including the students. It is the exception rather than the rule in terms of Navajo students being exposed to Navajo history culture, and language at school. This is true whether one is talking about public or Bureau schools. Perhaps the only type of school in which the students are indeed receiving instruction designed to enhance and instill a positive self-image is in the contract schools. There are scattered schools and classrooms in both public and Bureau of Indian Affairs systems which provide for some students a minimal program. The question is not only of money but also of attitude. The "three r's" are often stressed regardless of the wishes of parents and students.

Strict Definition of "Indian" and "Indian Control".—It is recommended that several basic studies be undertaken that would clarify what is "Indian Control" and what is an "Indian". These terms are used by many different people in many different ways, and the lack of clarity as to what is meant by each causes continued dissatisfaction as well as confusion. Congress, in conjunction with the Indian people, must clarify the meaning of these and many other terms, even to the point of recognizing that perhaps the precise definition will depend on a different set of circumstances.

Today, the definition of the term "Indian" is being broadened, at least as it applies to the services provided by the Bureau of Indian Affairs. As a result, the reservation Indian is suffering as services are being distributed to an increasing number of recently-defined Urban Indians. Disunity is a byproduct of this. A commission should be established to define boundaries and be given the power to enforce their guidelines.

Legislative and Executive Support of Self-Determination.—It is recommended that whatever entity in the Federal Government has the responsibility for Indian affairs and Indian education that it be given proper support at the Legislative as well as at the Executive level. This recommendation is especially important in view of serious inconsistencies. In particular, attention is drawn to an OMB memorandum recommending termination while the Executive Office disavows any such recommendation. These inconsistencies hamper long-range planning and demoralize local initiative.

Facilities Study.—It is recommended that a careful and complete congressional study be made of existing and contemplated future educational facilities. Schools are located not where the students are but where the land is available or where some other rather minor factor intervenes. The location of the schools is a vital and essential part of an overall Navajo Tribal Council. A case in point is the recently constructed Southwest Indian Polytechnic Institute in Albuquerque built by the Bureau of Indian Affairs. There was little if any involvement of tribal educational officials. There should be a standing committee established in which the responsible federal agency and the Navajo tribe evaluate future construction needs and locations so that there is ample time for the involvement of Navajo people in this vital decision making area.

Resolution of the Navajo-Hopi Land Dispute.—It is recommended that Congress take whatever action necessary to prevent Navajo students from suffering in the current Navajo-Hopi Land Dispute. Freezing of construction and the halt of plans is the direct result. The students are the ones to suffer.

Navajo Control.—A strong position should be taken to end the smoldering dispute about what type of school administration—BIA, Public, Contract or Mission—is better. Whatever type of school presently serves the Navajo, such schools must be controlled by the Navajo and subject to their constant review and control. As was indicated in earlier recommendations, the question of whether Bureau, Public or Tribal school system should prevail is not the most important question facing the Navajo today. Rather, the question is that each of these existing school systems must reflect the will and wishes of the Navajo people and each must recognize that over a period of time, the Navajo Nation will evolve a system and type of education which it feels best suited to its needs. This then places the existing school system on a level of compatibility rather than confrontation. The process of evolving such a Navajo system of education is most likely a complicated and lengthy process. Action need not wait until that process is complete. At present, actions taken by federal officials appear to spur competition between existing systems of education.

Adult Education.—It is recommended that Congress support and encourage adequate adult education. Presently, the option is inadequate. This is not due to the lack of interest on the part of Navajo adults; it is due to the lack of funds. Congress must recognize that Navajo education, like any other, is a continuing process.

Vocational Education.—It is recommended that Congress establish regional vocational facilities within the Navajo Reservation. These facilities can serve the existing Bureau of Indian Affairs, Public, as well as Contract schools and provide a level and breadth of instruction presently not available in any secondary school. Furthermore, by establishing these regional vocational centers, there would be savings in terms of money by cutting duplication and better services not only to students in school but students out of school.

Higher Education.—It is recommended that Congress support a system of a higher education located on the Navajo reservation. The passage of the Navajo Community College Act was not only for the purpose of establishing a single college in a single location but a network of such colleges. Today, there are many demands from communities such as Crownpoint, Tuba City, Kayenta and elsewhere to have a Branch of Navajo Community College or some other Tribally-operated community college established in their vicinity. The Federal Government can better aid the tribe in the enterprise than can the state.

Accreditation and Certification.—It is recommended that the Federal Government, through Congressional action, support the Navajo tribe's effort to assume jurisdiction over accreditation and certification of all schools serving the Navajo students. Once again, the evolution of this responsibility will take time but the approval of the principle is fundamental to the concept of Navajo control of Navajo education and Indian self-determination. This is not saying that there should be no certification and accreditation standards set by other entities such as the federal or state government, but it does mean that the Navajo Nation has the right and certainly the responsibility to develop its own certification and accreditation criteria which may be used in concert with certain existing regulations.

Establishment of Community Schools.—It is recommended that Congress support and practice the principle of community schools wherever and whenever feasible. During the 1930's, the Bureau of Indian Affairs operated under the policy of building schools where the children lived and these schools were day schools.

Specific Recommendations and Expenditures in the Navajo Comprehensive Educational Plan.—While the above are the long-term recommendations, it can only be concluded that the whole process will be expensive. In this section, an attempt will be made to offer some crude estimates.

It is nearly impossible to develop anticipated cost figures for the implementation of the Navajo Comprehensive Plan. The reason for this difficulty lies in the fact that in years past, there has been no planning or research carried on either by the Navajo Tribe, the Bureau of Indian Affairs, or reservation public schools. This means that there has been no sustained data collection essential to making reliable estimates for either needs in or of expenditures.

The Arizona State Department of Public Instruction spent many millions of dollars over the years acquiring the information necessary to aid in the development of immediate and long range educational plans and programs. It is therefore essential that the Navajo tribe acquire the same sort of resources so that it can develop the information and the data necessary to direct Navajo education.

The following figures are crude estimates of anticipated future expenditures needed in order to reach parity in both the quality and quantity of educational efforts as well as in physical facilities. Plan A, is based on the existing situation, i.e., in terms of providing construction needs for both public and Bureau of Indian Affairs schools. Plan B is based on the concept of filling empty seats in BIA schools with Navajo students. This would in and of itself increase the number of boarding school students unless additional funds for road improvement were spent so that such boarding schools could be converted to day schools.

PLAN A. CONSTRUCTION

A. Public School: $212 million—The figures used in Plan A include both immediate and future needs, for the next six years.

B. Bureau of Indian Affairs School: $60 million—This is primarily for renovation and repairs and existing facilties.

C. Operation: $120 million a year—This figure is an estimate of the yearly operational expenditures accrued by all schools enrolling Navajo students.

D. Roads: $25 million a year for 5 years—It is expected that at the end of five years, all boarding schools could be converted to day schools, since the poor road conditions no longer require the operation of boarding facilities. Of course, boarding schools for special needs would still be in operation if needed.

PLAN B: CONSTRUCTION

A. For construction of public schools: $100 million.
B. BIA: $90 million.
C. Operations: $100 million a year.

D. Roads: $25 million a year for 5 years for total of $125 million.

These figures are estimates and in and of themselves reflect the lack of available information needed to make more accurate predictions. In order for the Navajo Tribe to gain the capacity for intensive educational planning, it will be necessary for the tribe to receive five hundred thousand dollars a year for a period of five years. This figure would be the minimum needed in order to collect the data, store the data in computers, prepare annual statistical and financial reports on all reservation education, such as presently being prepared in annual reports by the states of Arizona, New Mexico, and Utah. The need for the development of such a capacity for short and long-range educational planning cannot be overemphasized. During the Navajo Emergency Education Program of the 1950's, the Bureau of Indian Affairs continued the policy of building schools where there were clusters of school children. Unfortunately, in later years, the idea of building larger and more consolidated schools emerged and the Navajo desire to have a community school was ignored. The recent hearings conducted by the Navajo Division of Education corroborate the finding of these hearings and support this recommendation—desire to have community schools instead of large, centrally located schools. While it is fully recognized that there should be a certain minimum enrollment size in order to provide the kind of education desired, it is also recognized that current thinking of many educators is that an elementary school should be smaller than previously thought. In fact this is also considered true for higher education wherein the older concept of a large comprehensive high school is being seriously challenged today in many quarters.

Education as First Priority in the BIA.—It is recommended that the Bureau of Indian Affairs or whatever federal agency is established over all Indian programs, recognize the primacy of education as a priority. That is, until very recently, the Bureau of Indian Affairs was organized in a manner which placed education as just one of many needs, and failed to recognize its primary importance in the development of Indian people. Even now, the recent organization in no way goes far enough in centralizing education and revolving of all the aspects of the Bureau around it. This has been a perennial problem of the Bureau and goes back to the time preceding John Collier. There have been infrequent attempts to correct this but none of a successful and sustained nature.

Unified Navajo Education System.—It is recommended that Congress explore, in conjunction with the Navajo Tribe, the relative merits of a single system of education to serve Navajo students, and to take particular recognition of the legal and jurisdictional problems involved. Furthermore, if it is felt by the Navajo Tribe that a single system of education is preferred, it is recommended that Congress provide the resources for the Tribe to carefully study this matter so that the various alternatives and steps involved could be presented to the Navajo Tribal Council for their determination.

A. Introduction

"There are Indians who would divide us over custom, or living off the reservation, or leaving the area of our childhood. Being Indian today cannot be exactly the same as it was, in external appearance or custom. Indian identity is not frozen in time or once-and-forever preserved." [1]

There is a story told among Algonquin people of a time when a terrible war broke out in the animal kingdom between the creatures of fur and the creatures of feather. Of all the creatures the little sparrow was opposed to the war. When the creatures of fur came to him to enlist his help, he said he could not for he was a creature of feather. When the creatures of feather came to him, he claimed he could not help them because he was a creature of fur. When the day of the great war arrived all the creatures found it impossible to fight: the birds would not fight on the ground and the furred creatures could not take to the air. So the war was abandoned. Pleased that peace had been restored, the sparrow went to rejoin the creatures of feather but was turned away. "You were not one of us when we were at war; you are not one of us now." He tried to join the creatures of fur only to be told the same. Thus, not having joined either side during the war, he now found himself not accepted by either side during the peace.

The plight of non-federally recognized Indian people throughout the United States is akin to that of the sparrow. They are caught between a mainstream culture from which they remain isolated and independent and which discriminates against them, and a system of federal recognition for the purpose of special services that does not acknowledge their historical past or present existence. Relegated to the status of receiving services at the agency's convenience, these Indian communities are compelled to cope with local, state and federal bureaucracies which assess their community needs without concern for their Indian identity or their varied demographic circumstances.

The various tribes and communities encompassed by the category "non-federally recognized" are widely varied in community structure, relationship to the mainstream, and geographic distribution. They are scattered throughout New England, the Southeast, Southwest, and Pacific Northwest. Some are organized as communities and have abandoned formal tribal structures. Others continue to exist as tribes and may enjoy a special legal relationship with the states in which they reside. Still others have had federal recognition but lost it during the termination era of the 1950's.

Particularly east of the Mississippi River where the rapid colonization and settlement of the New World quickly engulfed the Indian

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[1] Unpublished Hearing before the Task Force on Indian Education held at Pembroke, North Carolina. April 1976. Vol. I, p. 11.

page 196 blank.

people and surrounded them with European communities, historical records of these Indians are scarce and fragmented. According to Samuel Stanley and William Sturtevant, Office of Anthropology at Smithsonian Institution, aside from research done on the more familiar tribes, i.e., the Iroquois, Catawba and some of the Maine Indian groups, little information is known about these communities of which there are over 70 with populations ranging from less than ten to over 30,000.[2]

> It is impossible to provide even an adequate listing of these groups, much less relatively reliable population figures or any information on economic situations. But it is clear that nearly all these groups are badly disadvantaged and that many of them have genuine historical grievances which obligate the larger society to assist them.[3]

In fact, the only known record of history of these communities often appears to be that retained in people's memories and handed down with each generation.

Thus, from the perspective of historical researcher or Congressional investigator, it is especially difficult to delineate and document the history of these communities, their legal and political relationships to the colonial governments and the state governments that succeeded them, the factors that have shaped their present circumstances, to conduct such an in-depth study would require voluminous, time-consuming research. Yet some of these communities have shared problems and experiences which allow one to illustrate the problems and unmet needs of non-federally recognized Indians. Therefore, this discussion will focus on selected tribes in the Northeast, Southeast, and Southwest in order to delineate a cross section of problems with which non-federally recognized Indians are confronted.

B. Historical Perspective

In piecing together available historical data and testimony of witnesses before the Task Forces of the American Indian Policy Review Commission, a common experience emerges that ties non-federally recognized Indians together. Early in their history, a legal relationship had existed between the community and some mainstream political entity, be it the Federal or state government or early colonial government. Over a period of time, that relationship eroded until, with shifts in the political entity's policies, it has implicitly or explicitly ceased to exist as will be illustrated in the following pages:[4]

1. New England and Long Island

Every area in New England and Long Island was inhabited and owned by Indians at one time. Lands were farmed and hunted on a relatively systematic basis. In many areas, there were large established towns. Through war, pestilence, outmigration and other means, the Indian populations of this region were drastically diminished over the last several centuries. Presently, there are 15 to 20 thousand Indian people residing in the New England and Long Island area. The large majority of these people are the descendants of Algonquian Tribes which have for all recorded history resided in the area east of the Hudson and south of the St. Lawrence Rivers.

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[2] William C. Sturtevant and Samuel Stanley, "Indian Communities in the Eastern States," The Indian Historian, I, No. 3 (June, 1968), 16.

[3] Sturtevant and Stanley, p. 16.

[4] Harriet Price, A Compilation of History and Analysis of Testimony Presented by Indians of the Northeast before the American Indian Policy Review Commission (paper prepared for the Task Force on Non-Federally Recognized Tribes, April, 1976).

The recurrent problem of these tribes and communities has been the systematic reduction of tribal land holdings, which in some instances is complete. With or without proper deeds, most stretches of tribal lands have left tribal control. Many of these transactions occurred long before the United States was founded in 1776. The failure of the federal government to protect these tribes after the passage of the Indian Trade and Intercourse Act of 1796 led to the further decimation of Indian lands by the states. Within the New England and Long Island region, there remain eleven current reservations and there are also numerous former reservations and tribally controlled land holdings (broken up by state powers), where Indians continue to live. By far the largest portion of the Indian population, however, lives away from these areas in urban centers and in rural, non-reservation communities.

Before beginning the State by State review, it may be of some use to make generalizations about the cultural and historic experience of the various tribes. As a convenience, they are considered in two groups: *the Northern Tribes* (also referred to as the Wabanaki Tribes) and the *Southern New England and Long Island Tribes*. This distinction should not be overdrawn, however. Half the "Northern" group now live in Southern New England. And, as has always been the case, they continue to influence each other both culturally and politically.

There are eight reservations in Southern New England and Long Island. There are: in Connecticut, Eastern Pequot, Western (Mashantucket) Pequot, Schagticoke, and Paugusett (Golden Hill); in Massachusetts, Nipmuc (Hassanamisco) and Wampanoag (Watuppa); and on Long Island, Shinnecock and Poospatook. There are also numerous reservations which were sold or broken up by the states. Four major former reservations are: in Connecticut, Mohegan; in Massachusetts, Mashpee and Gay Head Wampanoag; and in Rhode Island, Narragansett. In each of the four cases, the tribes have maintained tribal churches on what remains of tribal lands. The former Wampanoag reservation at Herring Pond also retains an Indian church.

The tribes in Long Island, Massachusetts, Connecticut, and Rhode Island have had an experience in many ways different from those to their north and east. Three points of difference are of particular note: First, the southern tribes were missionized by Dutch and English Protestants who, for religious reasons, taught Indians reading skills. As early as the 17th century, some tribal members were reading religious tracts in English. Samson Occum, the Mohegan leader, was one of the founders of Dartmouth College, as well as an ordained minister (2–453).[5] The Northern tribes were missionized by French and later by Irish Catholics, who opposed the onslaught of New England Yankee culture well in the 20th century; this opposition included resistance to public education, which was seen as undermining the Catholic faith.

A second distinctive factor in the southern tribes' experience is their long involvement in New England maritime industry, especially whaling. A large proportion of the men of the tribes traveled around the world on whaling ships. This probably lead to a more cosmopolitan outlook than that of the tribes to their north. (It is an interesting side light that Lincoln's Ambassador to Haiti was a Pequot Indian from Connecticut.) Similarly, from early times, many southern New England Indians had experience in urban areas. It is certain that they have been relatively more involved in the major social changes of the 19th century than the tribes to their north.

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[5] Numbers appearing in parentheses refer to the volume and page number of the hearing transcript cited.

A third factor of note which distinguishes the southern tribes from those to their north is the large westward migration of many Indians under the leadership of Samson Occum beginning at the end of the 18th century. The settlements of Stockbridge in Massachusetts, Brotherton in New York, and New Stockbridge in Wisconsin (now the Stockbridge-Munsee Reservation) were made up largely of Connecticut and Western Massachusetts Indians. Richard Haywood, Tribal Chairman of the Western Pequots, told the history of this event to the Hearing panel:

> In 1776, probably a lot of you are familiar with the migration of a lot of Indians from the area. They met, there was a group that met in 1776 at the Mohegan Church in Norwich, the group that moved Brotherton, New York, they were composed of Narragansetts, the Pequots, the Mohegans, the Long Island tribes, they all gathered and they met for three days and after three days of discussions, they decided that they should leave this portion of this land because of white enroachments on the land. They moved the Brother to New York. However, they did not move out totally. All of the people did not leave the Brother and go to New York. A number of people remained on the reservation, remained on the land. Our tribal rolls would indicate that after the migration west of 1776, the people that moved in 1776, that there were still numerous Indians living on the reservation at Mashantucket. (2–388)

Despite the impact of all these events, the tribes of Southern New England have retained aspects of both physical and traditional culture. There continue to be tribal herbalists and religious leaders. And, many traditional crafts are still in use. Very little knowledge of tribal languages, however, is retained.

Almost all Southern New England tribes have reorganized under state charter. (The use of State corporate charter of this purpose had been tested in the courts: Eastern Cherokee is so organized). The Eastern Pequot and Paugusset may be the only groups now using a corporate form. The Narragansetts' reorganization took place in the early 1930's at the same time many tribes were restructuring tribal government through the Indian Reorganization Act. Tribal government structure on Long Island is formalized under State legislation. The Shinnecock and Poospatuck tribes are each lead by three trustees. The Poospatuck adopted a new tribal constitution in the 1960's.

Northern Groups (The Wabanaki Tribes)

The Passamaquoddy, Penobscot, Micmac, Maliseet, Abenaki and Sokoki historically belonged to the Wabanaki confederacy of northern New England and eastern Canada. They were among those tribes referred to as the "French Indians" or "Catholic Indians" during the 18th century. They now have almost 40 reservations in Maine, the Gaspe Region of Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland. Only three of the reservations are in the United States; Penobscot and two Passamaquoddy reservations in

Maine. There are 11 to 12 thousand members of Wabanaki tribes in New England. The Abenaki and Sokoki of northern New Hampshire and Vermont have little contact with the Maine-Maritime tribes during the 20th century. (1–115–6) The Passamaquoddy, Penobscot, Maliseet, and Micmac Tribes, however, have maintained ties over the years. All the Wabanaki tribes but one having pending or potential aboriginal land claims in the United States. The Micmacs are the largest of the six tribes and have the largest population of all groups in the New England-Long Island area.

For the most part, the Wabanaki tribes have remained relatively isolated in rural areas and on reservations. Major emigration to the cities of Massachusetts and Connecticut occurred primarily since World War II. In many regions, tribal members retain knowledge of native music and religion, hunting, and trapping methods, birchbark and splint-ash basketry, herbal medicine, etc. The Maliseet, Passamaquoddy and Micmac languages are spoken by a majority of tribal members. English is the first language for most Abenaki, Sokoki and Penobscots in New England.

The Passamaquoddy and Penobscot tribes, like the Shinnecocks and Poospatook of Long Island, have their tribal government structure formalized within State legislation. These tribes have rather elaborate governmental structures including a Governor, Lt. Governor, School Board and Housing Authority for each reservation and a tribal Representative to the Legislature (with a seat and speaking privilege in the Maine House of Representatives) for each tribe.

However, the Micmacs and Maliseet have no tribal government organizations in the United States; these tribes, however, have extensive tribal government on their reservation. The Abenaki Council of Vermont operates without a State Charter. The Council is a reorganization of the Missiasik (or Missisaquois) Abenaki as well as related Sokoki and Abenaki bands. The Abenaki and Sokoki tribes are also organized in Quebec Province under the Canadian Indian Act.

Southern New England and Long Island Tribes

A. CONNECTICUT

According to the 1970 census, there are 2,322 Indians in Connecticut. Indian leaders estimate a population closer to 5,000. Although many of Connecticut's Indians are from tribes outside the State, particularly from northern New England and Rhode Island, there remains in Connecticut a significant population of the State's five indigenous tribes. There are four reservations in Connecticut and one tribe whose reservation was broken up in the late 19th century.

The Schagticokes

With over 400 members, the Schagticoke Tribe is the largest indigenous Connecticut tribe. The Schagticokes also have the largest remaining reservation in the State, approximately 400 acres. In the Hearings held by the Task Force on Non-Federally Recognized tribes at Boston, testimony was presened by Mrs. Trudi Lamb, a tribal council member, who cited both federal and state actions as responsible for the current position of the Schagticoke Tribe:

> The development of colonial and U.S. government policy toward Indians has been unquestionably one of exploitation, political dominance and cultural repression. By the same token, the same policy has been one of contradictions. Although various mechanisms were established for the protection of Indian lands and legislation such as the Trade and Intercourse Act of 1790 which declared the purchase of Indian lands invalid without the permission of the U.S. government, Schagticoke lands have dwindled down until there is only 400 acres remaining today. Although favorable legislation has passed concerning Indian tribes throughout the United States, the federal government has failed to protect the Schagticokes.
>
> For the past two hundred years the laws and state statutes have been voted and agreed upon for the protection, the care and management of the Indian lands and Indian people in Connecticut. It has resulted in less than 1% finding it economically feasible to remain on any of the four reservations (Schagticoke now reside primarily in the Bridgeport area). The Connecticut Colony in 1752 had set aside 2,000 acres of reservation land on the west side of the Husatonic for the Schagticoke who had already been living in the area. Indian agents had been appointed to have the care and management of the respective Indian reservations and see to the welfare of the Indian inhabitants. From time of the appointment of the overseers there followed a long line of grievances from the Schagticoke people concerning this care and management of their land, as well as their welfare. They were not, nor ever have been, protected or their lands preserved. They have lived in extreme poverty as large tracts of land were being sold off; and by the late 1700's, there was barely enough to sustain the number of families living there. Both colonial and State governments permitted the sale of tribal lands in order to pay the debts of individual Indians.
>
> By the early 1900's, the task of reservation care was turned over to the State Parks and Forest Department. They were no more knowledgeable, understanding or concerned with the problems of Indian people than their predecessors. Their concern was state parks and forests, and they acted accordingly.
>
> In 1945 state legislation turned the burden over to the Department of Welfare who treated Indians on the reservation like welfare recipients. The Welfare Department insisted that Indians were citizens eligible for the same privi-

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> leges as other citizens and ignored their special status as Indians. It was also stated in state law that if they did not possess the one-eighth (Schagticoke blood) they could not live on the reservation (1–311–4).

Mrs. Lamb explained that the drive to treat Indians as other citizens, rather than as tribal members, was one of the reasons the State sold off tribal lands, thereby diminishing tribal assets, and neglected to develop the reservation area.

To attempt to redress their land grievances the Schagticoke have filed suit in federal court for return of the alienated portion of their 2,000 acre reservation. Over the long run, it is the Schagticoke plan to develop new reservation housing and economic opportunities. The Schagticoke who live off reservation in the cities, particularly in the Bridgeport area generally live in substandard rental units.

The Pangussetts or Golden Hill Tribe

The smallest Connecticut reservation is the Golden Hill in Trumbull. It is only ⅓ of an acre. No testimony was given by the Golden Hill tribal council at the Boston Hearing. The following information is available, however, from the 1974 Connecticut Indian Affairs Council Report:

> In 1659 the members of the Pauguset (or Wepawaug and sometimes Pequonnack) Indians were settled on a reservation—the first in Connecticut's history—on Golden Hill Street in the center of Bridgeport. In 1760 the tribe was removed from this location, the first of several such moves during the next 125 years during which tribal land and money grew and dissipated. Finally, in 1886 the reservation was located on the present small parcel of land in the Nichols section of Trumbull, six miles north of first reservation in Bridgeport.
>
> The small (⅛ acre) lot with one two-story wood-frame house is in a suburban neighborhood. The open acreage behind the reservation has just recently fallen victim to housing expansion. The house on the reservation has been the home of five generations of the Shermans, the principal tribal family. Most recently, following the death of the then oldest living tribal member, a new family member took up residence to extend the tradition.
>
> Golden Hill Tribe is an incorporated body with an office on the tribal land in Trumbull and approximately 50 persons listed on the tribal membership rolls. The tribe under the leadership of its chief is actively working to improve the conditions of the reservation and the tribe as a whole as well as researching various aspects of tribal history.

The Pequots

There are two Pequot tribes, each with its own reservation. The 1974 Report gives the following information regarding the Pequot history:

> The Pequot tribe was, in the early 17th century, one of the most powerful in all of the New England, especially commanding a dominant position in Eastern Connecticut. With the oncoming European colonization the Pequots were perhaps the most severely affected of any tribe by the expansion of the settlers. The dominance of the tribe was broken with the Pequot massacre by the English in 1637. (p. 8)

Following this fateful event the tribe was dissipated, dispursed and forbidden by the Colonial government to reassemble. "Many tribal members," the report continues, "were assigned to live under Uncas," the Mohegan Sachem who had broken from the Pequots and joined the English in the Pequot War; "others were assigned to live with the Narragansetts, and still others sold into slavery in the Carribean (Barbados)" (p. 10). By the second half of the 17th century, two distinct Pequot tribes reemerged. The first were the Mashantucket Pequots, also known as the Western Tribe; the second, the Paucatuck Pequots, now referred to as the Eastern Tribe.

The Western Pequot reservation is presently composed of two parcels of land, one 8.9 acres placed in trust for the tribe in 1896. The major portion of the reservation is approximately 204 acres; this section has remained in Mashantucket lands since the reservation was first established.

Mr. Richard Haywood, Chairman of the Mashantucket Pequot Tribal Council, gave extensive testimony at the April AIPRC Hearings in Boston. A major issue he addressed was the abuse of state power in the past against the Pequots:

> The first thing is our land problem, our land has been encroached upon by white settlers ever since the Pequot War, there was a stretch of land that was given to us, 2,000 acres, by the Colony of Connecticut and we are not even able to hold onto that or keep that or work that but that we had it taken away from us by encroachments. The policies of the State Welfare Department have discouraged tribal members from living on the reservations and for 350 years, the tribe has not gotten one benefit from the State of Connecticut that wasn't paid for out of the tribal trust funds. The debt of individual Indians were used for an excuse for selling more Indian land. The tribal government has been interfered with and suppressed. (2-384-5)

Like other tribes in the New England-Long Island area, the Western Pequot have filed suit in Federal court for return of tribal lands, charging violating of the Indian Trade and Non-Intercourse Act.

The Mohegans

The fifth indigenous Connecticut tribe is the Mohegan Tribe. It is recorded that the Mohegans, under Uncas, broke away from the Pequots in the 1630's. Joining with the English, they helped conquer the Pequots and became the most powerful tribe in Connecticut. There are still several hundred Mohegans in Connecticut, but they are the only Connecticut Tribe without a reservation. Brian Myles, Mohegan representative to the State Indian Affairs Council, testified for this tribe at the April Hearings:

> Mohegans are a tribe who have occupied aboriginal lands in Connecticut since pre-European intrusions. The tribe has maintained and provided substantial political and social functions as a tribe and has had a continuous political relationship with the State of Connecticut. Tribal members can trace their geneology back to the seventeenth century and the majority of the tribe remain as a distinct community on original lands within the former reservation in Montville, Connecticut. The people identify themselves as Mohegans and relate to other tribal members within the community and function as a tribe.

Myles, charged that through state action, the Mohegan tribe was stripped of nearly all tribal assets:

> As with the colonial government and or the past two hundred years the state government has had a unique relationship with Mohegan people, one that results of this unique relationship has managed to sell or dispense all tribal land with the exception of tribal burial ground (in Fort Shantuck State Park) and the Mohegan Church. (In Uncasvill).
>
> Mohegans have never received any resources from the State of Connecticut. The state sold tribal lands to pay for individual tribal members debts, funerals, etc., but has not provided direct services to Mohegans in any form.

Such transactions, Myles states, were in direct violation of the Indian Trade and Non-Intercourse Act which requires Federal approval for all transactions involving tribal lands. "No one", he said, "not even the State of Connecticut, has the right to sell Mohegan land without the approval of the federal government . . . (But) where was the federal government?" As of the date of the passage of the Non-Intercourse Act in 1790, the Mohegans held 8,000 acres of tribal land. By 1872 when the State broke up the reservation only 2,000 acres remained. Now the tribal church lot and cemetery comprise only a few acres; but are not even considered reservation lands.

B. MASSACHUSETTS

The Wampanoags

At one time, eastern Massachusetts was under the sway of the Wampanoag Federation. By the end of King Philip's War in 1675, the Federation was largely broken. Many of its constituent tribes remained active, however, up to the end of the 19th century. In 1861, there were eight reservations which belongs to Wampanoag confederate tribes and a state census taken found remnants of six other tribes or bands. Today, only the Gay Head and Mashpee tribes retain organized tribal councils. There continues to be an Indian church at Herring Pond, but most of these people now relate to Mashpee.

Pan-Wampanoag feeling continues to run high among descendants of the tribes. As an example, there has been for many years a Grand Sachem for all Wampanoags. In May of 1975, Elsworth Oakley, a Mashpee Indian, was chosen to serve in this position in an election in which 214 adult Wampanoags voted. At the Boston Hearings, Oakley called for the reorganization of the old Wampanoag Federation built around the strong tribal organization at Gay Head and Mashpee and drawing on the community at Herring Pond.

The Mashpee Tribe

The Mashpee Tribe is the larger of the two remaining organized tribal bodies of the old Wampanoag Federation. Mashpee tribal membership is around 800–900 members in the Barnstable County area alone (1970 Federal census figure place county Indian population at 432). Russell Peters, President of the Mashpee-Wampanoag Tribal Council provided the Hearing Panel with a brief history of the Mashpee people and their lands:

> We as the Mashpee Wampanoag people, who were among those who first met the Europeans as they came to this part of the world, are fortunate in still being able to retain a foothold on that land here on Cape Cod, and it is a mystery to me how we have been able to do this over these number of years . . .
>
> Mashpee at one time under the English back in the middle and late 1600's was declared an Indian district, and through a number of years it existed as the Mashpee Indian District right up until the time of the revolution; and after the English lost their battle and the Commonwealth of Massachusetts took over, Mashpee continued being an Indian district, the boundaries well defined and described, and our people lived there under the protection of the State or the Commonwealth of Massachusetts. In 1870 Mashpee, along with Gay Head, through an act of legislature became a town; and I question, you know, that action by the State of Massachusetts in creating a township out of people who had no appreciation for the legalities, for the property rights, for people who could not read or write, for people who could not sign away without an "X" or a mark. These people were given the awesome responsibility in 1870 of being citizens within the State of Massachusetts and were subject to all of those responsibilities such as payment of taxes, the court systems and everything else that goes along with citizenship, when they were not prepared for this. Since that time, the Indian people in Mashpee have lost virtually everything. They have lost their lands. They've lost their language. And today in 1976, the year of our bicentennial, we stand supposedly as people who are completely assimilated into the mainstream of American life. And that is not true.

Peters explained the inexorable process of how tribal lands were lost. First, he said, "since the original boundaries were defined, the surrounding towns, . . . Falmouth, Sandwich, Barnstable have encroached upon those boundaries." (1–77). Second, the transformation of the Mashpee Indian District (i.e., Reservation) into the Town of Mashpee left the Indian people defenseless:

> I would say that the protection stopped when they made us a town. When Mashpee was declared a town in 1870 . . . the Indian people in the district or now in the Town of Mashpee were fair game to all of the land grabbers, to people who heretofore were not able to take advantage of the Indian people. (1–84–5)

Many speakers from the Mashpee Tribe spoke of the impact of the removal of restrictions against alienation to non-Indians from the Mashpee Indian District. Amelia Bingham, a member of the Massachusetts Commission on Indian Affairs, explained how town government, once an instrument of the tribe, was now controlled by non-Indians.

Mrs. Bingham explained that the Mashpee Indian people have not been willing or able to stand by and watch their heritage be taken from them. For many years, the tribe has been breaking away from the town governmental structure by stages. Around 1970, the Mashpee Indian museum was established under town ownership. Mrs. Bingham described this, however, as a "cultural revolution" for the tribe (2–69). It provided a meeting place for Mashpee Indians. From it sprang the drive to establish the State Indian Affairs Commission. From it also sprang the movement to reacquire tribal lands.

In 1975, the Mashpee Tribal Council acquired 55 acres from the town for $500. Should the council ever disband, the land would return to the town; and in no instance could it be sold or used for housing, because of restrictions placed by the town in the deed. This lot was one of the original lots of approximately 60 acres formed from the 10,000-acre reservation when the State broke it up in 1870.

In July of 1976 the Mashpee Tribal Council took a major step to regain control of the full 10,000 acres. By passing the following resolution, they hope to put the wheels in motion to reverse what they charge was illegal state action in destroying their reservation.

The Gay Head Tribe

The history of the Gay Head tribe in many ways parallels that of Mashpee. Like Mashpee, in 1870 the Gay Head Indian District (i.e., Reservation) was transformed into a town. Beatrice Gentry, President of the Wampanoag Tribal Council of Gay Head explained this change occurred "over the unanimous objection of the members of our tribe . . . in outright violation of the (Federal) Indian Non-Intercourse Act" (2–4). Like in Mashpee, once the State removed restrictions against sale to non-Indians, tribal lands began to slip away. Mrs. Gentry explained,

> Many of the old Indian deeds and so forth—all Gay Head Indian people have lost their land by land grabbers coming in and land courting land and so forth, and taking it away from them before they had a chance to even know that they owned it. (2–27)

The Gay Head Tribe, like Mashpee has begun to attempt to regain ownership of portions of their tribal land. A local non-Indian doctor has given back to the tribe the Indian cemetery which he had acquired in a land transaction. The Gay Headers have also gone into court. When the Gay Head Indian Reservation became a town, tribal common lands became town common lands. The original common lands are still intact consisting of over 200 acres of cranberry bogs, the area overlooking the clay cliffs of Gay Head, and a small strip of land on each side of small river called Herring Creek. The tribe seeks the return of its common lands.

Thelma Wiseburge provided a history of education for the Gay Head Tribe:

> The first recorded school in Gay Head was founded in a Baptist Church basement in 1807. Records are not clear as to when the original school building was built from state funds for Indian students. It was located in the southern part of the town until it was moved to its present site in 1878, when the main highway was built, (and after Gay Head became a town). The first teachers were ministers. Later a few of the local Indian daughters were able to receive the advantage of formal school training elsewhere and returned home and taught at the Gay Head School. In the early 1900's, there was a nine-month school and two schoolrooms and two teachers. Many of the school materials were used by three generations. The school itself had become an Indian tradition, and a sense of community was present in our education. The educational pattern was geared to our Indian way of life. This is now no longer present, taking with it our Indian community spirit and replacing it with a cultural vacuum. The little red school closed in 1967 because it was deemed economically feasible to merge our school into the other (non) Indian schools, and it closed its doors. The little red school house now is claimed by the Town of Gay Head and is used only four and half hours a week as a library. Two of the library trustees and the librarian are white, and time will tell after the May Town elections whether or not all three trustees will be white. (2-6-7)

The Fall River-Freetown State Forest Indian Reservation

There is only one Indian reservation in existence in Massachusetts which belongs to one of the constituent tribes of the Wampanoag Federation. This is the 227½ acre reservation in the Fall River-Freetown State Forest. The history of the reservation is long and complicated. Frank James, Chairman of the Massachusetts Commission on Indian Affairs and President of the Federated Eastern Indian League read from a report prepared on the legal history of the reservation by FEIL Attorney Wilson D. Rogers:

> In 1709 Benjamine Church conveyed a tract of land containing a recited area of 160 acres to the Province of Massachusetts Bay. This same tract was surveyed in 1763 and found to contain 190 acres, 64 rods and was surveyed again in 1907 and found to contain 195 and 7/10ths acres . . . This deed . . . provided that "The said land and premises shall from henceforth forever be and remain at the free and absolute dispose of the government and General Assembly of the said Province . . . but always to be continued and used for a Plantation and settlement for the Indian natives" . . . This land was henceforth set apart as an Indian reservation for the members of the Wampanoag Indian Federation. (1-276-7)

In 1907, however, James continued "the city of Fall River sought to acquire lands including the aforementioned Indian reservation" to establish a reservoir for the towns drinking water supply. The reservation was disestablished and given to the town.

Until later in the 1930's no change occurred in the reservation status. In 1938, the Massachusetts General Court adopted a resolve where by the Commissioner of Conservation was directed to investigate the situation of the Pocasset Wampanoags "which formerly owned all of the territory now lying within the limits of the city of Fall River and the towns of Freetown and Westport, with a view to determine whether or not the Commonwealth was under any obligation to the descendants of said Indians with respect to providing benefits for these descendants as a class . . ." (ch. 22, Resolves of 1938). In the following year, the Commissioner filed a report and the General Court passed legislation permitting the Commissioner to "establish within the Freetown-Fall River State Forest an Indian reservation to comprise such portion or portions of the said forest as in his judgement will best serve the destined purposes." (ch. 384, Acts of 1939) The Act also permitted the Commissioner to construct a combination museum building and caretakers quarters and workshops for the manufacture and dispensation of Indian crafts. In addition, he was empowered to construct homes for "about twelve families of the Pocasset tribe" with or without the cooperation of the United States government. Finally, the Act stated, the Commissioner "shall have complete jurisdiction at all times over the reservation so established and general supervision of the activities carried on within its boundaries.

Six years after the passage of the Act, the Commissioner of Conservation established the reservation, which was duly recorded in the Bristol County Registry of Deeds on October 16, 1945. The 227½ acre tract set aside for the reservation is in a different location from the old reservation. In 27 years since the passage of the Act no other State action has been taken by the State. Again, quoting from the Rogers report, Frank James charged,

> This Indian reservation exists today in the exact same state as it existed on October 16, 1945 when this document was filed in the Bristol County Registry of Deeds. There are no Wampanoags living upon this Indian reservation. There are no projects of any kind or nature being operated on this Indian reservation. (1-284)

The Nipmucs

There are approximately 400 people on the Nipmuc Tribal rolls, of whom about 100 live in Worcester County. At the time of the 1861 Massachusetts Indian census, there were several organized Nipmuc bands or tribes, several with reservations. There were, for instance, the Naticks, Punkapogs, Dudley (or Pegan) and Hassanamisco. Most of the reservations were broken up during the late 19th century and today only the Hassanamisco-Nipmuc have a reservation. It is 11.9 acres and located in Grafton.

Zara Ciscoe Brough lives in the only household on the reservation. She is chairwoman of the Hassanamisco band and Sachem of the Nipmuc Tribal Council. Mrs. Brough explained at the Hearings in Boston:

> Many of the band names are not used today, except for the Hassanamisco. Others simply say they are of the Nipmuc Tribe. We believe the Hassanamisco retained their closer identity for two reasons: one, because of their continued land base area and, two, because they were the headquarters for the sachemdom of the Nipmuc.

The Hassanamisco Nipmuc have a district history dating back prior to King Phillip's War. Mrs. Brough explained,

> We descend from Naos (Jethro-Christian name) and he was the father of Wowanus (James, the Printer), Awaweakin (Ami Printer) and Tukapewillin. Reverend John Elliot also appointed him as deacon of the native church of the second band of Praying Indians. Naos was born around 1590. Reverend John Elliot preached here first in 1654.

> In 1671, when the second mission church was actually established, sixty families lived in and around Hassanamisit. (1–240)

Prior to 1728, the Nipmuc reservation at Hassanamisit was approximately 7,500 acres. In that year, the land was divided and sold to the English for 62,500. Mrs. Brough provided the following information from Peerces' History of Grafton (p. 61–62):

> Forty colonial and Indian proprietors were appointed by the Colonial government, General Court of December 13, 1726 (Ref. House of Representatives Records 1726). Land was to be reserved for the Indian proprietors, for their heirs and assigns forever.
>
> The sum of 2,500 pounds was held by trustees (proprietors) appointed by the State of Massachusetts in trust for the Indians (Ref. origin-purchase recorded in Suffolk County Registry of Deeds, Lib 42, Folio 206, July 2, 1728). (Proprietors records, Page 91).
>
> Of this sum received in gold and silver coin, $1,330.88 was lost by substituting depreciated paper currency in 1745. Between 1772 and 1796 one of the trustees 'borrowed' the amount of $1,327.39. This sum has never been replaced. In July 1841, the balance plus additional moneys added by sale of other land was 'invested' in securities such that neither principal nor interest was ever paid. (1–245–6)

As noted above, the Hassanamisco Reservation is only 11.9 acres. The sale benefit the tribe has received from Massachusetts, Mrs. Brough states is that "our land (the reservation) is tax free" (1–244). Otherwise, she explained, the state has done little more than acknowledge their existence. The same can be said of their relationship with the federal government. With the federal government, "there has been no relationship other than correspondence from time to time." (1–243).

C. RHODE ISLAND

As noted above, the United States Census gives the 1970 Rhode Island Indian population at 1,314. Indian testimony suggests, however, that this figure is understated at least by 100%, perhaps by considerably more (1-217; 1-251). The largest tribal group in Rhode Island is Narragansett, who are indigenous to the State. As in other states, there are also other tribal members in significant numbers. The hearing panel received testimony from several Rhode Island Indians including representatives of the Narragansett Tribal Council and the Rhode Island Indian Council.

The Narragansett Tribe

"The historical accounts of the Narragansett Indian Tribe," explained Lloyd Wilcox, Grand Sachem of the Narragansetts, "start at the very beginning of the stage of European discovery and migration to North America" (1-201). The first European venturers, men such as Sebastian Cabot and Verrazano "found long established and thriving Indian settlements. They were also proficient agriculturalists" (1-202). Verrazano said, "they . . . excel us in size" (1-202). At the time the Narragansetts had "from three to five thousand warriors," he said.

Even before the landing of the Pilgrims in 1620, Narragansett population began to wane because of European diseases passed on by coastal fishermen and explorers. The Narragansetts stayed neutral in the Pequot War of 1636, but in the passing years up to the 1670's, Wilcox explained, there was the "inevitable growth of hostilities, disease, and intrigue" (1-203). Thus in 1675 the Narragansetts joined in King Phillip's War and were decisively beaten in the following year. It was in 1676 that the Narragansetts began to see their land base diminish at an increasing rate. At the same time, respect for tribal government and institutions by the surrounding society also diminished.

After the 1676 war, the only Narragansett land remaining was:

> The southwest territory of Rhode Island. 1676 to 1709 saw the settlers still pushing into what Indian remained, contrary to their own colonial law. In 1709 the land outside of a certain bounded tract was quit claimed to colonial government, said bounded tract being the Narragansett reservation. The quit claim boundaries were the work of the colonial government in the act of protecting the Narragansett Indians, and this same kind of protection was applied throughout the 1700's. So that by 1709, the original reservation had dwindled considerably.
>
> The ruling of the U.S. Congress in 1790 directed at preserving Indian holding seemed to have failed utterly in the case of the Narragansetts, and from 1790 to 1880, almost all the remaining tribal land was taken out of Indian hands by one means or another; and even here the Rhode Island General Assembly did not cease in their apparent pursuit and proclaimed that now the major tribal lands were taken and that the tribe no longer existed, even though the tribal council continued to meet and conduct tribal business. So it went on into the 1900's (1-204-5).

The Narragansetts now tribally own a total of 7 acres. They have recently filed suit in Federal Court for return of approximately 3,000 acres of land, which comprised the central area of the old reservation, alleging violations of the Indian Trade and Non-Intercourse Act of 1790.

In 1934, like many other tribes throughout the country, the Narragansetts reorganized their tribal government under state corporate charter. Chief Wilcox explained that the objects "set for by the tribe . . . in 1934 were a direct result of over two centuries of exposure to colonial-type thinking" (1–205). He then proceeded to read from the tribe's charter:

> We, the remnants of the Narragansett tribe of Indians of Southern New England, dwelling mostly in the State of Rhode Island, grateful to the great spirit for civil and religious liberties which he has permitted us to enjoy and looking to him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this constitution of bylaws.
>
> Objects, Section 1 and 2, to organize the Narragansett Indian tribe for the purpose of local self-government;
>
> Section 3, "to train Indians in religion, art, craft, history and language."
>
> Section 4, "to increase, to conserve, increase and develop Indian lands; to promote education; to protect the civil rights of Narragansett Indians and their descendents." (1–205–6).

D. LONG ISLAND, NEW YORK

There are two reservations on Long Island. One belongs to the Shinnecock Tribe; the other to the Poospatuck. This discussion does not consider off-reservation Long Island Indians. The April Hearing and this report ventured away from New England Indians to deal with the Shinnecocks and Poospatucks because they have much in common with the tribes to the North, across Long Island Sound. They too are Algonkian, members of the old Montauk confederacy. They too are active as fishermen and played a role in the Whaling trade. Unlike the other New York tribes which belong to the Iroquois Confederacy they receive no federal Indian programs, neither directly, nor through the state; in this regard, they are particularly akin to the tribes of New England.

Poospatuck Tribe

The Poospatuck or Unkachange Tribe reside on a reservation in Suffolk County, Long Island. The reservation was established along the Forge River in 1650 by a land grant from the King of England which was arranged by their leader, Tangier Smith, after whom Tangiers in Africa was named. Their church also dates back to the early 1600's. They were visited by two Presidents: Madison and Jefferson. All this information was provided by Harold Treadwell, Trustee of the Poospatucks, at the Boston Hearings.

During his testimony, Mr. Treadwell gave particular emphasis to the decrease in tribal land holdings during the period tribal activities have been overseer by New York State.

> Our original acreage, the size of our original grant, was 375 acres. And at present it has shrunk to a mere 52. During the process of the elimination of this Indian area, Indian territory, the great granddaughter of Tangier Smith then had to reestablish the total and complete ownership of the piece that we're on by establishing another deed which was granted us in 1937, so that the encroach-

> ment would be stopped. This supersedes all other deeds, as we have no treaties with the United States of America none whatsoever. (2-125-6)

Recently, the tribe received a $2,500 grant from the State of New York to survey tribal lands, both the current tract of 52 acres and the original boundaries, but considerable difficulties were encountered by the Surveyor. He explained:

> As of today, the report from the surveyor's office was that he did manage to survey the immediate reservation and he was able to complete it. But on the other parcels he ran into a lack of information about them enough to complete the survey.
>
> I will say that, according to what I can understand, we had an Indian, a Chief Tobacas, who transacted a lot of our land away without notifying the tribe of this action. Besides this, I think that a lot of the land that was originally ours we had lost through the fact that people were allowed to come in and live on it without, you know, ownership, and then would establish a claim to it by a quit claim deed.
>
> Now, you think how in the world could this happen? It could happen very readily because of the fact that if the tribal records are not kept up to date, if a piece of land is just allowed to lay unused, someone is bound to pick it up. Someone is bound to find a way to get possession. In our case there, we've lost acres upon acres upon acres of land this way.
>
> I will also say that it's very hard to understand, too, when you find that Indian land is not taxable. How in the world did these people ever take over ownership of land that cannot be taxed? And, yet, it has happened. The title guarantee companies that guaranteed these lands, these parcels, when they're sold, I don't know how they got the right to guarantee them. (2-154-6)

Mr. Treadwell gave two examples of land which mysteriously fell from tribal control. The first example involves an island just off the shore of the reservation:

> We had a piece of property called "Paddasquash" (phonetic spelling). It was "Paddasquash Island". This piece of land, we had all the given rights under the old deed to cut salt hay, as much as we wished from this island. As of today, we can't even go upon that island because it's been taken over by a New York City gun club. And they have signs posted all around it, "Private. Keep out". So even though our original deed called for our access to this piece of property, we don't have it. We cannot even go upon it. (2-156)

Another example involves an Indian cemetery, which Mr. Treadwell explains has been desecrated in archeological digs:

> We have an Indian burial ground. It's down around Constable's Neck. This has been taken over by the National Seashore. My Indian people are buried there. There have been reports that college students have been digging in that area. We probably will press this further. We would like to have that area fenced in. We would like to have those graves of those people separated to the extent that no one get access to it, have access to it. And we want that area to be known as a burial ground, what it is. Now, this is something that ever since the National Seashore took this place over, we were waiting for them to acknowledge the fact that they were going to do something with these graves other than just leave them open. (2-156-7)

Mr. Treadwell described the Poosputucks as one of few truly self-governing tribes in the country. He noted over the last decade and a half, tribal government has become more formalized:

> As we progressed along, we were governed by a Chief and a Trustee. But as late of 1964, we had no written laws. At the time we found that our government could not be fully operated and it could not act in its capacity without some documentary written laws, which we took the custom, our tribal custom, and our unwritten laws, and combined them into a glossary of regulations and laws that now govern our reservation.

> These laws provide for a Chief, three Trustees, a Keeper of the Wampum, and a Keeper of the record; and also these members made up our council. These were the members that would make up our council. Now, we have an Education Committee to take care of our educational needs. And we do have in this committee people who are responsible for the welfare of the people.
>
> We have had many problems on the reservation here to date because of enrollment. This was a subject that was discussed here little while ago. We have a voting roll; but we do not have a tribal enrollment list. And this tribal enrollment list is very, very, very, necessary thing because over two-thirds of our people live off the reservation and only a mere hundred live on. This means that at one time we had trouble controlling the land because we had people who had blood rights that we could not deny coming back during the elections and voting. Here of late, we have changed this regulation so that the people who live with the problems on the reservation shall be the ones to determine who governs these people. (2-126-7)

The tribe's self-governing status has been absent of outside encumbrances, perhaps, at the expense of outside assistance. The only federal funding the tribe has received is Federal Revenue Sharing and a few manpower dollars under CETA.

2. The Southeast

A. VIRGINIA

From the mid-16th century, there is a record of state involvement in the affairs of Virginia Indians. As early as 1658, statutes were enacted by the Commonwealth that provided for the assignment of lands to Indians. Acts passed the balance of the century provided against alienation of these lands and insured protection of the Indian occupants against encroachment by white settlers. Throughout the eighteenth century, additional laws were passed further regulating transfer of Indian lands by the appointment of trustees to administer Indian affairs. Involvement of Virginia Colony was not limited to legislative acts. According to testimony presented before the Task Force on Terminated and Non-Federally Recognized Tribes at Richmond, Virginia, treaties were also negotiated with the Virginia Indians at this time. In his statement before the Commission at Richmond, Virginia, Chief Custalow noted that:

> The Indian treaty they have made is one of the oldest treaties in the nation which is the Treaty of 1677. That was negotiated by the British government and the Indian government on the first part and the Indians on the second part.
>
> This treaty, at that time, was that presently (as you may well know) there would be two reservations. We think this is a legal treaty; we think this is the responsibility of the original states that formed the United States Government, but we feel that we should have redress of that.[6]

Despite this early history of relations with the British colonial government, the relationship of the Virginia tribes to both the federal and state governments has done little to benefit them in the area of educational services. This is clearly illustrated by the testimony of one witness at Richmond on educational services in her community:

> I know when back in 1919, when we started school out, we had 27 children the first day they went to school, which, none of them had ever been in a school before. I guess some of them—well, myself, I was 14-years-olds. I had a sister who was two years older than I am . . . But, there was one girl who was 18-years-old, and it was the first day she ever started school. We just didn't have any. It wasn't our fault they didn't have it. I don't know who you can blame it on. Things worked in and out the county. The county would never get no news about the Indians, get away from the county. They kept everything in the county. And, when anything came up they were dissatisfied about, they would settle it, and we would hear no more, because we haven't got no papers from the state or from the federal government or nothing about as at all. Everything would work through the county. And, when anything was to come up, say like one time was back in 1926, they were going to close our school down. I don't know why, but they just figured, well, somebody had that bright idea, well, so they come to my daddy, and he went down and got a petition. They tried to petition. The (the county) wrote on the petition, and they'd throw it away. Well, no evidence to do nothing. So, we just kept on going. We kept the school and everything. And, if things like that happened, that's the way they worked it.[7]

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[6] Unpublished Hearing before the Task Force on Non-Federally Recognized and Terminated Tribes, held at Richmond, Virginia. May, 1976.

[7] *Ibid.*

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In fact, the history of educational service within these communities appears to be of relatively recent origin. Information provided at the Richmond hearings points to a pattern of sending one's children out of the state in order to go to school beyond the elementary grade level. This was particularly underscored by the testimony of one witness who noted:

> There were schools established, you know, that kind of thing. In Virginia, elementary schools were established in the late 1800's. They ran for a year, two years, and terminated.
>
> We had schools up in Mattaponi back in the 1800's, and it's closed. They closed around 1891. It closed because there weren't enough Indian children to make an average. It was just a secondary school. That was in my mother and father's time. And, it closed in 1890–1891, and it reopened in 1919. I was a pretty good sized girl at the time, so I went partly in my first year to private school, just a private teacher, and it was run by the county. You had to meet a quota to go to that school, and that's why they closed it down because they didn't have the quota.
>
> Later on, I think about 1945 or maybe 1950, we did high school. You get to send your children out . . . That was run by the county, an all Indian school, and it closed in 1966.
>
> When we started sending these children away to school—then they asked for a high school teacher, and we got one because we asked for it. We had to have a lawyer here from Richmond, though, to speak for us before they would give it to us because we had decided that we were going to put them in the white school.[8]

Because of the lack of services and facilities few of these tribes had members whose education went beyond grade school. Those who did complete secondary school appear to have done so in schools outside the state of Virginia:

> Anyone any older than my present age, which is 34, if those people received a secondary education, a high school education, those people had to leave the State of Virginia in order to get it. I was just one of the fortunate ones among the Chickhominy people. I was in the second graduating class after a high school had been established for the Chickhominy people. And, I graduated from high school in 1959, so I know that a high school was established for the Chickhominy people, and with the first graduating class in 1958. I think, Chief, that this is probably about the same time that your children on the Mattaponi reservation were also attending the K. William High School because I know that one of your relatives, Mac, went to school with me at the Chickhominy school for a couple years. But, even at that, it was very, very, difficult to go any further than a high school education. Here in the State of Virginia. So, as a result, most of us that wanted to get anything any greater than a high school education even after 1958, had to leave the state. So, that's exactly what I did along with a number of the rest of the people that went to college. We left the state and went to Oklahoma, went to Bacone College, which was an Indian College, and received two years of education there, and from that point on, some of us went on to other colleges and universities in the State of Oklahoma.
>
> The way we started going to Oklahoma—it was because of a Chickhominy woman who married a Seneca Indian, who had been—who had attended Oklahoma, attended Bacone College some years before, and she got in contact with them. She lived in New York. She's a relative of the Chief. She had met him. He came here. He knew that the Indian people—began teaching in Charles City County in the Indian school. As a matter of fact, I was in about the first grade, I believe, the first year he came here I just started school. It was through his efforts that he finally convinced some of the Chickhominy students to go on to high school there because I believe when he came in here there was only the seventh grade. We had as much as a seventh grade education, and that was all. When he came in, he helped to establish eighth and ninth grades in the county for the Indian students. He encouraged the students to go on to Oklahoma and,

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[8] *Ibid.*

> as a result. I believe the first year he got a couple of the Indian students out, there were two Chickhominy students that went out there, and about the same time, they began working with Mattaponi . . . and encouraging these students to go out there and finish their education also and, as a result, a number of the students from all of the tribes in the state found their way to Oklahoma.[9]

From the testimony given at Richmond, it became clear that after nearly 300 years, the Indian people of Virginia find themselves in the state of legal limbo as many other non-recognized tribes. They are deprived of community services and of any governmental entity to be held accountable for providing such services, despite increasingly pressing needs.

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[9] *Ibid.*

B. NORTH CAROLINA

The history of Indian people from North Carolina, follows a pattern similar to that delineated by testimony taken for AIPRC at Richmond, Virginia. According to testimony presented to the Commission at Pembroke, N.C.,

> Prior to colonial history, diverse Indian tribes and groups lived all over the area presently called North Carolina. Archeologists have discovered Indian remains in every county. They have also established that pottery and subsistence agriculture were part of Indian life at least by 1000 B.C. The Town Creek Mound speaks silently but eloquently for the period between the appearance of pottery and the sighting of and meeting with Indians along the Cape Fear by an Italian navigator in 1524. We do know that the Cherokee and Tuscarora were the largest tribes in the area until the mid 1700's. The first recorded Indian war in the state took place in 1675. The colonial record is full of Indian-White fighting excepting the experience here in Robeson County where Scottish settlers encountered a peaceable but independent group of Indians, mixing White and Indian customs, anticipating and encountering the challenges facing off-reservation, rural Indians today.
>
> At the forming of the United States, many Indians in North Carolina qualified as free persons of color which entitled them to the rights of citizenship; but illustrative of other problems facing Indians at this time, I refer you the Chapter VII of Volume 1 of the Laws of North Carolina, at page 15, to a statute offering the premium of $10.00 for a scalp or $15.00 for the body of a Cherokee and a sworn oath that the Cherokee had not been killed prior to June, 1777.
>
> The colonial government of North Carolina has established small reservations in the Mattamuskeet area in Bertie County, but the state wanted the Indians out of the reservations by the beginning of the nineteenth century. A state statute of 1802 provides that the lands given to the Tuscarora by treaty of 1748 revert to state ownership in 1916. The state rewrote its constitution in 1835 to exclude any Indians who previously exercised citizenship as free persons of color. Meanwhile, federal recognition was destroying the Cherokee in the state who were under the authority of the U.S. War Department's Bureau. We know how the Removal Bill and the Trail of Tears decimated the Cherokee, leaving a band of a thousand people in Western North Carolina. Not until 1868 were non-Cherokee Indians in the state restored the right to vote, own land clearly and bear arms. The Carolina Cherokee were not extended state citizenship until 1889. The state, during the period 1868–1889, firmly established its tri-racial school system.[10]

The history of those Indian people who remained behind is one of neglect, disregard, and inconsistent policies by both federal and state governments, as the history of the various tribes indicates:

> Long before the coming of the white man—I am trying to give you a little background—there were many Indian tribes in the Halifax, Warren, and North Hampton counties areas. These Indian tribes included the Cherokee, Tuscaroras, Occaneeches, Saponies, and the Tuteloes. All these tribes inhabited along the Roanoke, Nottoway and Meherring Rivers. The Indian name for Roanoke River is "Mortoc River".
>
> Around the late 1600's, there was an Indian village located near the Roanoke River. A mighty flood came on the village, and covered it with sand water. This was not known of too much of until excavation was started for the purpose of erecting a dam. In the early 1950's, the village was uncovered.

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[10] Unpublished Hearing before the Task Force on Indian Education held at Pembroke, N.C. April, 1976. Vol. I, pp. 8–9.

> Around 1725, the Tuscaroras were on their flight back north, and had reached the Roanoke River area in Halifax and Warren counties. In this area, there were tribes such as Cherokee, Seminoles and Saponies. A war was forced upon these tribes by the settlers. The Tuscaroras were cornered in the bend of the river . . . known as "Horse Shoe Bend". (Many were wounded.) Those who were able to travel continued on their flight to the north. Those who were wounded too badly to travel were left behind.
>
> Then came the removal days. Most Indians were moved out west, but some were permitted to remain in the area. Due to badly needed service, one particular person who was permitted to stay was Mouring Bass Richardson, who was referred to as Night Rider. In later years, she was referred to as a mid-wife. There were also others who remained in the area. From these people, the Indian population began to grow again.
>
> As the population grew, the Indians expanded out into the Hollister area, because of farming needs. This area was given the name "Meadows", by the Indians that inhabited here. The name "Meadows" means good grazing ground for the livestock. They continued to make progress in the area and had much power until 1835, when restrictions were forced on the people in these areas of North Carolina and possibly Virginia, took away the privileges of the people who were not of the Caucasian race. The Indians also had to come under this rigid ruling. This, they would not accept as a whole. Some moved to Ohio, some to Indiana, some to Mississippi and some to Alabama. Some remained in the Halifax and Warren areas along the Roanoke (Mortoc) River, and the Hollister (Meadow) area. The population began to grow again among these people, who had been scattered very badly. In the late 1800's, attempts were made to reband these people as a tribe. There was not much progress made, due to their being scattered so badly in rural areas, and lack of knowledge, education and ability.
>
> In the early 1950's, realizing how badly they had scattered and that many of their relatives had moved away, they saw the great need to reband themselves. They came together and organized under the name of HALIWA INDIAN TRIBE. This name was selected due to the locale.
>
> School began in their tribal building. The school was so designated as the "HALIWA INDIAN TRIBE" in Halifax and Warren Counties. Grades one through twelve were taught by some local Indian teachers and some teachers of the Lumbee Tribe. From this endeavor, many of the graduates went to college. The colleges attended by these graduates were Bacone Indian College in Oklahoma; Appalachian State Teachers College in Boone, North Carolina; East Carolina University in Greenville, North Carolina; and Pembroke State University in Pembroke, North Carolina, a college founded for Indian students.
>
> (However) the Haliwa Indian School was closed around 1966, which meant much regret for the Indians. The school was closed due to consolidation and integration.
>
> Around the year 1960, a bill was introduced to the General Assembly, officially recognizing these Indians as the Haliwa Indian Tribe. The bill went in late, therefore, it was not supported. About three years later, again attempts were made to get the bill introduced. The feelings of the General Assembly were that this matter should be studied more and brought back to the next session of the General Assembly. In 1965, Chief Richardson and an attorney for the tribe drew up a bill, and it was introduced to the General Assembly, designating these Indians to be of the HALIWA INDIAN TRIBE, the largest tribe in North Carolina. This bill, Number G.S. 71-70, pertaining to the Haliwa Indian Tribe, was ratified April 15, 1965. There was a court order in Superior Court in Halifax County in 1965, giving permission to correct all incorrect vital statistics and all other incorrect matters pertaining to the Haliwas.[11]

The Waccamaw Siouan

Located about four miles from Bolton, North Carolina, the Waccamaw Siouan are concentrated in Columbus and adjoining counties. Like many of the other nonrecognized Indian communities, educational services in their communities are of relatively recent origin:

> The first real attempt to institute a system of education in the Indian settlement was made by tribal means in 1891. A school committee was formed in a one-room sixteen by twenty-foot building, constructed to serve as a school house.

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[11] *Ibid*, pp. 61–69.

> These tribal people furnished material and labor for the construction. Each family having children of school age assumed the sum of forty dollars per school year to create a fund to pay a teacher's wages. Many of the families were unable to contribute this amount, so the school operated more frequently closed than open.
>
> At a later date, aid for paying the teacher was granted by the state. In 1921, at the beginning of the school year, a new teacher arrived, prepared to take up her duties as a teacher. She was Negro. Mr. Joe Patrick, then head of the school committee, ordered the teacher to leave the community and nailed up the school house door. This was the first knowledge the Indian people had that the State Aid Program had their school listed as colored.
>
> Following this, the parents threatened armed resistance to attempts on the part of the white school officials to force the Indian schools to attend black schools. This situation was finally straightened out, but still left the Indians struggling for an education.
>
> The Indian Church served as a school from the year 1924 to the year 1930. Indian teachers were procurred from Robeson County. They were boarded by Indian parents and paid the sum of forty dollars per month by the Indian parents.
>
> Early in 1930, a collection was taken from the tribal members and pooled to sue the County of Columbus. The Indians, having no people that were educated in their group, hired a white attorney from Whiteville, and a suit was filed naming the County Board of Education as defendant in an action, and praying that the county would provide the Indian settlement with the school that they needed so desperately.
>
> Inasmuch as the Indian community lies between Bladen County on the west and Columbus on the east, Mr. Elex Patrick took this up with Bladen County and he was given an old building in Council, N.C., for the purpose of building a school in the Indian settlement in Bladen County. The Bladen County Board of Education agreed to furnish a teacher if the community would construct the school in Bladen County.
>
> The task of constructing the building was accomplished by volunteer Indian labor and the materials transferred to the location by mule and wagon. The project took fifteen months to complete and the building consistend of two rooms. In fact, much of the labor was contributed by the fathers of Columbus children who would not be eligible to attend the school, and in 1941, Bladen County agreed to accept in the school children from the Columbus side of the line.
>
> In 1952, the Saint James Community, located about fifteen miles from the Waccamaw Indian Community, consolidated with the Waccamaw Indian Community in order to establish a high school, which taught in Mount Zion Church for one year and then moved to New Hope Baptist Church.
>
> In 1952 and 1953 and 1954, the Waccamaw Indians had children in grades one through twelve in school. They took great pride in their school and the hardest decision the Waccamaw Indians ever had to accept was made in 1969 when, because of the desegregation act, the Waccamaw Indian School was closed and their children are being transferred seventeen miles to Hallsboro Schools.[13]

The Coharie

Like so many other Indian communities east of the Mississippi River, the Coharie people requested educational services for their community prior to the formation of the United States but were to receive them only in recent years: (pp. 158–161)

> The Coharie people of Sampson submitted plans to the General Assembly way back on October 24, 1754, for the establishment of the first educational institution for the Indians in the State. It was debated over and tabled for full hearing on January 11, 1755.
>
> Governor Dobbs had favored education for the Indians of the colonies and appropriated a large grant of land in what is now known as Sampson County, near the City of Clinton for the purpose of building an academy for the education and training of the several tribes then living in Eastern Carolina.
>
> Then he offered a hundred slaves to clear the land and erect a suitable building for the academy and he also gave a hundred annually for expenses, under John Sampson, which Sampson County has been named after, and he was appointed director and manager for the school.

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[13] *Ibid*, pp. 122–125.

But the school was never erected. Soon the Revolutionary War began and we had quite a few soldiers fighting for the cause of freedom and the independence of America, from Sampson County and adjoining counties.

And after the war, Eastern tribes tried to hold themselves together but they became scattered in the communities and in several Eastern counties they were neglected, forelorn and even persecuted for several years and still are persecuted in certain regions.

In 1910, the people of Sampson County petitioned the State for a share of the bounty. They had been burdened with sharing in our government and we asked for recognition and aid in the education of our children as the State saw fit to send to them.

The census showed that there were two hundred and thirteen Indians in Sampson County and that they were of legal school age, for whom there was no separate school provision, over one hundred Indian children and these children were not permitted to attend white schools and had no desire to do so. There were other sections of the state where they were required to attend colored schools.

So they established schools of their own in Sampson County and one in Harnett County at their own expense, and still seeking aid from the state and local government.

From the closing of the reservation to the year 1835, they exercised elective franchise equally with the white men, performed military duty, encouraged schools, built churches in comfortable circumstances, but by an ordinance in the local state constitution in 1835, elective franchise was denied to all free persons of color—that is Indian and Negro—and after they were barred from voting. In the year 1868, we had a new constitution adopted. After the new constitution was adopted, the Indians were allowed the benefit of the public schools but having been classed for a long time as free persons of color, some of the people were required or compelled to patronize schools provided for the Negro Race.

Due to a bitter prejudice against Negroes, the greater part preferred that their children grow up in ignorance rather than being forced to associate with a race which they held in utter contempt.

Separate schools were then provided for them by legislation in North Carolina, which actually recognized them as Croatan Indians in the State Book of the North Carolina Session, Section 4168–9–70–71 of School Law of North Carolina as provided in 1905, under Chapter entitled "Croatan Indian" which stated that the Indians were and should be entitled to attend such public school set up for Indians in the counties in which they resided and it was authorities responsibility to erect, keep and apportion the school funds on an equal basis, but the number of children in the county belonging to such Indian races shall be set apart and kept separate from the other races.

Thus, Chapter 632 of the Public School Laws established separate schools for the Croatan Indians of Sampson County so in 1913 the Indians in Sampson County were provided a separate school from the other races and were given their proportionate school fund.

The Indian built, chiefly at their own expense, a suitable and accomodated school house in Herring Township in Sampson County, in the center of the Indian community and provided teachers of their own race.

We had separate churches and pastors from other races would hold religious services for these Indians.

Indians in Sampson County from the year 1913 until 1942 maintained their own separate schools, which were three schools, at their own expense, for the children of Sampson County.

And in the year of 1942, East Carolina Indian Schools were founded and accommodated all Indian students of Sampson County and the high school students from six other counties in Eastern North Carolina. The counties included Harnett, Columbus, Hoke, Bladen and Cumberland some from Scotland County. Since the funding, several of these counties have established their own high schools.[19]

Thus, Coharie people have waited until the past two decades to achieve schools to serve their communities. Ironically, much of this has been threatened by efforts to integrate North Carolina schools in the late 1960's.

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[19] *Ibid*, pp. 157–160.

The Lumbees

The pattern of developing educational services has been the same in Lumbee communities as in those of other Indian communities in the state. As the testimony of Mr. Kenneth Maynor indicates, progress for Lumbee people has necessitated continuously overcoming barriers placed in the community's way:

> A brief look at the recent history of the State-Federal-Lumbee relations is of value at this point.
>
> In 1835, the Lumbees were disenfranchised by the State and barred from attending the white schools. Fifty years later, in 1885, the State Legislature recognized the Indians formally and named them the Croatans. At the same time, the state authorized a separate Indian school system for Robeson County.
>
> Around the turn of the century, the State Legislature again was concerned with the Indians, but only to the extent of trying to decide what they should be called: First, the government renamed them the "Indians of Robeson County"; then, in a couple of years, the "Cherokee Indians of Robeson County".
>
> It was not until 1914 that the federal government exhibited even that much concern over the Lumbees. That year, Congress ordered an investigation of the Robeson County situation by O. M. McPherson. He concluded that the Lumbees were "an amalgamation of the Hatteras Indians with Governor White's Lost Colony." There the matter rested as far as Congress was concerned until 1934. That year, Congress debated on whether the Lumbees should be officially called the "Cheraws" or the Siouans." They never decided. Finally, in 1953, the North Carolina Legislature officially designated the Robeson County Indians as Lumbees. In 1956, the Federal Congress did the same.
>
> Historically, the Lumbees have always been a self-supporting people—tilling the soil, building community churches, schools, centers, paying taxes, providing for the widow, orphans, elderly, and poor. In the past decade, however the Lumbees have been forced from their relative isolation and seclusion probably because of the growing multi-complexity in a more dominant society and the fierce determination of the Lumbees to preserve their ethnic heritage and sense of identity. But there are many barriers to overcome such as lack of educational and economic opportunities, a history of poverty and deprivation, lack of viable voice and role in local, state and federal government, and many other such concerns including sometimes, our own disunity.[14]

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[14] *Ibid*, pp. 227–228.

C. LOUISIANA

Colonial powers bent on exploring the New World did not limit themselves to the Atlantic coastal areas. By the end of the seventeenth century, French explorers had traveled the length of the Mississippi River starting from its head waters. Early records of the Jesuits and the Seminary of the Foreign Missions from this period refer to efforts of their missionaries who lived among the Tunicas and Houmas with the hope of Christianizing them.

Shortly after the Louisiana land cession, the United States became actively concerned with the Indians of Louisiana. The writings of Reverend Jedediah Morse indicate they were among the tribes he was to gather information on for the study he was commissioned by Secretary of War Calhoun to perform. During the same time period (1822), Bishop Louis William DuBourg reportedly received an $800 subsidy from Secretary of War Calhoun to carry out his work, which included the establishment of boarding schools for Indian children.

Like so many of the other tribes, the history of the Louisiana tribes is fragmented and little researched. Records at the National Archives contain correspondence from the present century between the Houmas and the Bureau of Indian Affairs requesting assistance from the federal government and educational services. Although the requests were "taken under consideration" by such dignitaries within the federal agencies as John Collier, services appear never to have been provided. Some educational services were provided for the Coushattas and Choctaws. Generally, however, the experience of Louisiana Indians, as they recollect it, has been one of deprivation and discrimination. This is illustrated by testimony provided to the Task Force on Non-Federally Recognized Tribes during their hearings in Louisiana:

> We all had a big share of prejudice up until the Civil Rights Bill was signed. I can remember going to school at Methodist Missionary, which is on this location here—we had no public schools. In fact, the teacher that taught us still living today, she's about . . . . close to ninety I guess, probably taught my mommy and daddy. As far as prejudice in schools, you have differences with the school board official; a lot of places, when we were kids, didn't let you in—we'd show up, you know, whites were there and they'd put us out because we were Indians—we couldn't have had any kind of social function. Prejudice was so bad, we even had segregated seating in our Church, we belonged to the Catholic churches. And we had ushers that would separate the whites from the Indians, you know, Indians sat on one side and the whites on another side. We had a threatre one time, the white and the blacks—before the Civil Rights Bill was signed—used to sit together, all the Indians sat in the balcony where we could not mix with the whites. It's not comfortable to go back and open up old wounds, but to get a clear picture of what the Houmas have been through, I guess it would be necessary for you to know just exactly what their place is.[18]

Unable to attend the white schools and lacking the resources to establish schools of their own, these Indians were dependent upon private or religious groups that served their communities to provide schooling. The testimony given before Task Force #10 in Louisiana indicated that Houma children were not able to attend public schools prior to 1954.

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[18] Unpublished Hearing before the Task Force on Non-Federally Recognized and Terminated Tribes held at Dulac, Louisiana, April, 1976, p. 8.

> How long ago was it that Houma children were able to attend public schools? . . . that was recently, about 1954. Before that we had an Indian school; it was a parish school that was set up just strictly for Indians, and it used to be right across the street from here. It was Methodist missionaries that. . . . set up this center here, it's the Dulac Community Center, it originally was the Dulac Indian Mission. . . . later when the parish opened up an Indian school—which was right across the street from here—the Methodist continued small educational programs for some of the kids that didn't want to attend school, until they eventually phased out their school. It (the Methodist Mission) faded out about 1954.[18]

The state of Louisiana in responding to a questionnaire prepared by the Task Force on Indian Education represented that it attempts to provide special programs for Indian children to the same extent that it seeks to meet the special educational needs of all of its school children. In view of this statement, it is an interesting aside to note that the first year Title IV, the Indian Education Act, was funded the state of Louisiana refused to apply for Part A program monies.

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[18] *Ibid*, p. 9.

3. The Southwest

Like the Turtle Mountain Chippewa and the Cree Tribe of the Great Plains area, the Yaqui originally existed outside the territorial borders of the United States. Forced to flee their own country, the Yaqui sought refuge in the United States, where they have remained to the present day. However, they are less fortunate than the Turtle Mountain Chippewa and the Cree, who presently receive federal services. For they are told that because of their Mexican origins, they cannot receive special services for Indians, as their testimony before the Task Force on Non-Federally Recognized Indians clearly illustrates:

> As soon as, whoever is taking the application, whoever is reviewing the application, finds out that we're Yaqui, "I'm very sorry fellows, I'd like to help you, but you are Yaquis and this department cannot help you. Try some other department." So, this has been going on for many years. We have been very, very quiet about it. But, it has come to the point where we must request the recognition from the federal government . . . for Indianness is very much with the Yaqui. We are Yaqui, we are Indian, we have our own language, we have our own culture. At some meetings, unfortunately, I have been told that because of our sur-name we cannot be recognized as Indians. Our sur-names are Spanish. Around the year of 1533 when the Spaniards—when the so-called conquest came to the Indian country . . . I'm talking also before the treaties of the United States and Mexico—those years that this was Indian country, all the way from Mexico City to Alaska. I'm talking about a country where the Indians use to roam, following the various seasons, game seasons, foot bearing seasons, in a peaceful manner; I'm talking about those times that there was no boundary between this country and any of their three countries that we're talking about—Canada, United States, and Mexico. And, at that time—unfortunately—or whether if I'm fortunate or not, the hunters were of Spanish descent; and, therefore, as in most cases, the Indians took in the Spanish sur-names.
>
> Another thing that we have been told personally in several meetings is that the Indian would like to help you and there are some people in Washington that could help you, but you are Catholics.
>
> Those are only a few reasons that for which we are seeking federal recognition. We want to belong to the Indian world in the United tSates, as I think we have the right to belong to it. We are talking about the American-born Yaqui, the Yauqi that was born in the United States. We are not involving those Yaquis that were born in Mexico. Truthfully, there are several, quite a number of Yaqui people that were born in Mexico and came into the United States as refugees in the early 1900's. Those people are in their 80's or late 80's. I'm quite sure that they will not be among us for too many more years. They are legal citizens of the United States, and they are our parents or grandparents. I hope that we will never be asked to ask these people to move out of here because we may be recognized as Indians. They are our parents and we do not, we could not, shove somebody aside because after all we are Indians, we are Yaquis, we . . . honor our parents very much, and our elders very, very much so.
>
> On my last trip to Washington two weeks ago with the Commissioner at the Office of the Commission of Indian Affairs with Mr. Ron Esquerra, Mr. Woody Snead, Mr. Anderson, Mr. Butler, I was informed that the Yaquis would have very, very little chances of becoming recognized because of the fact that the Yaqui country is in Mexico. I have hoped to convince them that this is not concerning, the recognition does not concern the people that are living in Mexico. It only con-

cerns the people that were born and raised in the United States. People, that since World War I, gave some service in the various armies to the United States.[17]

As the Yaqui perceive it, they have little chance of becoming federally recognized so long as they lack to "proper documentation" for their history in the territorial United States is of relatively recent origin:

> The Yaquis are not historians, we do not even, we're not even—how do you call it—we're not even a rigman's stones or anything. Our history comes to us from word of mouth through the generations. And, fortunately, it's not been totally lost. We want to belong. How can a person prove to the United States, how can we make them understand that we are Indians? That we are Yaqui Indians, that we have our own language and our own culture. Little things like this do not have any strength, I suppose, within the United States Government.
>
> During Cortez's time in 1500 A.D., the Yaquis numbered 3,500. In 1533 A.D. and 1610, the Yaquis were forced to defend some oil land continuously against the entering enterprises and Spaniards. This defense, although successful, also reduced their numbers. In 1617, a peace treaty was negotiated between the Spanish and the Yaquis, and the Yaquis accepted the Christian religion of the Spanish Jesuits. Peace existed until silver was discovered in Senora and friction was created between Spanish administration officials, church officials, and the Yaquis. In 1733, the Yaquis revolted and the Spanish were driven out. After the revolt, the Yaquis began to migrate out of the consolidated settlement in Senora and spread out over most of Senora. In the period to 1825, the Yaqui nation grew, and they emerged as the largest and most culturally dominant tribe of the lower west Mexico. In 1825, the Spanish again tried to partition Yaqui land; and they were resisted. Eventually, the Yaquis joined with the Mexicans in revolting against the Spanish. It was not too long before the Mexican administration began to infringe upon the Yaqui land. During the rest of the 19th century, there was an intimate warfare between Yaquis and Mexicans. Under Dias, the Mexicans started a gun campaign to exterminate the Yaquis. Captured Yaquis were sent to Yucatan to work as slaves for the Mexican government; and under this pressure, the Yaquis fled back into the United States and Arizona to escape the Dias regime. In 1910, the Yaquis only numbered 10,000 and only a few . . . very few were left in Senora. There were four settlements of the Yaquis born in Arizona. Pascua and North Central Tucson, Guadalupe and near Mesa, Marana and North of Tucson and a location south of Tucson. By 1924, the Yaquis had completely adopted to the life style of the United States. The Yaquis first became permanent residents in Arizona in 1882. And their numbers have steadily increased since that time.
>
> Also, I think it should be noted there is a letter to Senator Jackson from the Assistant Secretary of Interior, Carver back in 1964. And, in regard to the bill that provided the 200 acres to the Yaquis here. There is reference on page three of that letter to the Rocky Boy Indians, Chippewa and Crees who had recently entered the United States as refugee Canadian Indians and were given land, public lands, and a reservation—of which, of course, came about into recognition. So, not only are the Metlakatla Indians mentioned in the letter that I wrote to Senator Fanning and also the Qoquapaws as precedent, but also the Cree and Rocky Boy group that were all Indians migrated from either Canada or Mexico and were recognized even though there was no clear indication of aboriginal occupancy in the state. So, I don't think that that is a problem in any way. It seems to me that recognition is a largely political and economic issue as I'm sure you know better than I do.
>
> It shouldn't be the accident of history that determines eligibility for certain federal benefits.[18]

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[17] Unpublished Hearing before the Task Force on Non-Federally Recognized and Terminated Tribes held at Tucson, Arizona, May, 1976, pp. 6-9.

[18] *Ibid*, pp. 26-31.

C. CONTEMPORARY PROBLEMS AND UNMET NEEDS

One common thread that emerges throughout the history and testimony of the non-federally recognized tribes is that past and present policies have placed them in an ambiguous legal status for which there is little rational explanation other than administrative convenience. When they seek assistance from the states, they are turned away because they are Indians, "federal wards". When they apply to federal agencies for funding they are turned away because they are not "Indians" as the bureaucracies define the term.

As a result, one can infer from the testimony given before AIPRC that the obligation not being met by either level of government is creating two problems: lack of funding and conflict between federally recognized and non-federally recognized tribes. The degree to which this hampers the education and development of the non-federally recognized tribes is emphasized by Bill Wilcox, Rhode Island Indian Council who testified before the American Indian Policy Review Commission that:

> By not being federal recognized we lose most of the federal programs. We only have one-tenth of the federal programs, and then we cannot go to these other agencies and persist to get into these. Because they had a hundred, they had fifty years head start on us. We can see that we had an education barrier.[19]

Whatever the reasons behind the conflict, the end results are ultimately negative and non-productive. The non-federally recognized tribes perceive themselves to be enmeshed by a system that serves only to impede the progress of their tribes and communities:[20]

> $325,000 was allocated for Indian tribes and organizations from Louisiana to the State of Maine, and I believe that if we were recognized Indians or recognized by the Federal government, that this level of funding would be much higher and that we could get some of the services that would be provided by this program.
>
> —RUSSELL PETERS, Wampanoag Mashpee.

> Federal Region 1 is definitely being discriminated against by the federal agencies. If you look at the amounts of money being allocated to this region per capita in respect to other areas, it's much, much, much lower than what is going out West and even in the South.
>
> —WILL BASQUE.

Their sense of helplessness is reinforced by their knowledge that agencies rely on the 1970 census to allocate money for their respective programs. Since the census compilation is inaccurate, especially in areas where the only choice for Indians to check is "Other", the Indian population is often not reflected in the census enumeration. This proved to be particularly prevalent in Southern and Southeastern United States where, as one of the witnesses summed it up,[21]

> Indians of Eastern North Carolina have been victims of classification since 1754; there were no Indians listed, in fact, they were listed as free, non-white, a

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[19] Unpublished Hearing, Boston, I, p. 251.
[20] *Ibid.* p. 89, 96.
[21] Unpublished Hearing, Pembroke, N.C., I, p. 261.

> category which set them apart from blacks and in the same report, we were reported as a mixed crew, a lawless people who posted themselves as a mixed crew.
>
> —Mrs. Woods.

More important, these tribes are denied the quality and quantity of educational services required if they are to give direction to their own existence. At the elementary and secondary level, their children are not receiving an adequate education. Discrimination and prejudice on the part of the administrators, teachers, and students is often directed toward the Indian children. It is not exceptional for these communities to find themselves caught in a conflict that involves other racial minorities.

Obviously, what is desired by the tribes and communities for their children's education contrasts sharply with what is made available. There is a perceived need for bilingual/bicultural education with particular emphasis on the local tribe's history and traditions. Because these Indian children are treated "the same as any other school child," such courses are rarely encouraged or provided. There is a drop-out rate that ranges as high as 75 percent in many of these communities. However, in the absence of school-home coordination to educate the parents in the importance of their children's schooling; in the absences of efforts by the school to enforce truancy regulations against Indian students; and in the absence of adequate preparation to enable the Indian students to perform in school, these negative statistics persist.

Each of these problems point to a need to expand the skills and resources of the local community so that it is better equipped to cope with its socio-economic problems. Programmatically, this would necessitate making the following changes in the present level of services provided for non-federally recognized tribes:

—Increases in available funds for post-secondary and adult education. (Many of the adults have limited reading ability and vocational skills. This limits their capacity to earn an adequate income either within or outside the Indian community.)

—Increased dissemination of funding information to such tribes and communities. (Testimony indicated that local school administration and local community politics inhibit the role these communities are allowed to play in federally funded programs. Often, the amount of money allocated for Indian education by the state or Federal government is not disclosed, as illustrated by the testimony of one of the Chickahominy Indians from Virginia who indicated that his people were not allowed to get involved with financial matters that dealt with the operation of the school. This pattern also prevailed in North Carolina where the Waccamaw Siouan representative testified that,

> We do have Part A operating in our school at the present time but we feel maybe this might be more effective if it were operated from the community instead of from the school, for the simple reason a lot of people, places, have had problems with their local LEA saying, "Well, you cannot get it without us and we can't get it without you," and lots of times they have the attitude, "You do like we want it done, or we won't get the funds, we won't have the program," and knowing that education is a problem and we need all the help we can get, you know this has a tendency to make the

> Indian parent go along sometimes with what the Board of Education prefers rather than what they feel would be the most effective way.[22]

—Clarification of definition of Indian for funding eligibility to insure that all Indian people have equal access to federal programs and services.

What is most ironic is that the terms coined by the Federal government to characterize these tribes and communities gives a syllogistic twist to what they are seeking. From the bureaucratic perspective in order to be Indian, one must be recognized. In order to be recognized, one must be under the tutelage of the Bureau of Indian Affairs. In many instances, this perception has little relevance to the objectives of the non-federally recognized communities. They do not seek to have the government confirm what they already know: that they are Indian and that their land claims often precede the emergence of a federal form of government. Rather, what concerns them is that sheer numbers or geographic location has served as the basis for defining their right to federal services. This was clearly stated by the Chief of the Narragansett tribe:

> On federal recognition, right off the way the law is written I think it's a device to decide what Indians are going to receive services and what Indians aren't. But from down inside the heart, the whole world, as far as I'm concerned, consists of Indians and non-Indians. Anybody that isn't an Indian is a non-Indian. That's as much as I'll even recognize federal recognition.
>
> It is my opinion that the federal government has a trust obligation to all Indians, and this means that the government must approve all transaction, including Indian political and cultural.[23]
>
> At this time, we charge that the U.S. government has behaved in a discriminatory fashion in denying us our status as Indians; failed to protect our lands or provide us with services.
>
> The U.S. federal policy has been both limiting and inconsistent. Our status is grounded in aboriginal claims and tribal sovereignty dating back before European settlement in this land.[24]

Nor do they perceive being placed under the administration of BIA as the cure-all to their problems. More accurately, they are concerned with the realization that they too are Indian people and yet they are presently excluded from adequate funding because of criteria and definitions of Indianness that ignore the realities of their existence. Nowhere is this conflict of community and federal administrative perceptions made clearer than in the testimony of East Coast Indians before AIPRC:

> I never called it federal recognition. I always used the word being educated to the extent that you can use the system for our best interests. That was the way I always put it. I never said I ever wanted to become federally recognized. I just want to know how to use the system so that we can receive benefits as well as other people; that's all I want.[25]

> I have heard some talk by some of the speakers before me in regard to recognition by the BIA. Personally, that idea scares me to death. I think we have all had to read enough about the BIA, and I personally don't see any hope for that agency whatsoever except for a lot of notices which constantly say the Bureau is going to be restructured one of these days, but I doubt if it will be in my lifetime.[26]

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[22] *Ibid.*, p. 188.
[23] Unpublished Hearing, Boston, Massachusetts, I, p. 224.
[24] *Ibid.*, p. 315–316.
[25] Unpublished hearing, Richmond, Virginia.
[26] Unpublished Hearing, Boston, Massachusetts, I, p. 116.

Like most of the problems that confront Indian people, those of non-federally recognized tribes and communities require immediate resolution. For they are generally communities in which a substantial portion of the population is in its youth. (Analysis of available census data by the Task Force on Non-Federally Recognized and Terminated Tribes indicated a median age ranging from 23 to 28 years of age.) Thus, remediation of their education needs will have a direct bearing on the quality of existence they will enjoy in the remaining years of their lives.

A REPORT ON A SURVEY CONDUCTED ON SELECTED RESERVATIONS CONCERNING PRIMARY AND SECONDARY EDUCATION*

As the data collected for this report illustrates, each reservation or tribe has divergent expectations and definitions of what Indian education ought to be. Consequently, there is no way to generalize across tribes, on any of the individual variables tested.

The most important finding of this research is each tribe wants the opportunity to design, implement, and control the education process of its children. This generalization is supported throughout the collected data. The purpose of this report is to document this finding and make inferences about the unresearched tribes. It is also appropriate to express some general impressions from the experience of the Investigators.

The research sought to obtain data on the following questions: Are you satisfied with the education you received and are you satisfied with the education your children are receiving?

The answers received are indictments of our academic institutions. From a research standpoint, the academicians and bureaucrats have failed in Indian education. From the qualitative, less scientific but more meaningful standpoint, the failure of the system to produce an acceptable result expresses itself in other ways.

The Investigators were struck by the intense concern with the whole problem of education expressed by the Indian Interviewees. It is also important to note the process of learning is not only of deep concern, but has historical and cultural antecedents surrounding that process that are worthy of extensive comment.

It became apparent through the data collection process that the word "education" was defined in a variety of ways. Probably, the most common use of the word was graduation or certification through the eighth grade, high school, or a baccalaureate system. As well, the term "education" was defined in a manner best described as a process for survival. Many of the older interviewees related education to the passing on of information from elders to children.

One must consider these culturally unique groups developed and maintained an extremely pragmatic tribal education system that accounted to, and was wholly responsible for, the continued survival of that tribe. Thus, education to the Indian is not just a meal ticket, a method for reaching lofty status positions, a means for the elite to inform themselves of the leisurely esoteric arts and crafts, or a way of preparing one's self for escaping his home environment.

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*NOTE.—The material in this report was obtained by on-site interviews conducted under the direction of Dr. Art MacDonald, Executive Director, Northern Cheyenne Consulting Corporation, Lame Deer, Montana. The research contract was issued by the American Indian Policy Review Commission. The research was conducted on the following reservations: Quinault, Washington; Lummi, Washington; Northern Cheyenne, Montana; Pine Ridge, South Dakota.

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The educational process is single-mindedly committed to the survival of the people as a tribal unit. This dedication and commitment makes different the attitudes of Indian peoples toward the many facets they see in the public school system. For example, education could not be left to tribal members in their early twenties. One of the components required of an Indian teacher is wisdom, and wisdom cannot be attained by individuals that have lived for only twenty-five years. Another interesting concept is the teaching model applied by older Indian people is one of serious apprenticeship, rather than pedagogical student/teacher relationships such as those found in the public school systems of today. As a result, the selection of a child's "teacher" was a carefully thought-out process. In addition, the final agreement was a mutually agreed upon pact of content, student, teacher, and payment. The Indian student's competency rating was based on concepts just recently being utilized in the Anglo community: competency based evaluations; behavioral objectives; and role modeling.

A final comment must be made regarding the interviewees. The Investigators were overwhelmed with the number of accounts of humiliation, degradation, and personal anguish experienced by many of the people.

With these general observations in mind, one can go on to a more general discussion of the definition of education from tribal standpoints.

Quinault Reservation (*Washington*)

The Quinault data are clearly the most supportive of the existing school system, indicated by the interviewee's responses. Sixty-seven percent of those interviewed indicated satisfaction with their own education. This figure far exceeds the satisfaction level demonstrated by the other reservations. Most of the interviewees had received their education through the regular public school system. The reservation has its own elementary public school under a local Indian board of education.

Consistent with this measure is the finding that the Quinault are not as concerned with having Indian teachers in their schools, with the need for Indian programs in their schools, or the need for Indian curriculum as other tribes. Their definition of the meaning of education is similar to the general public's definition. They see the purposes and objectives of education more in line with benefits for self-improvement and opportunity for individual enhancement.

The Quinault are "Indian" in that they want their teachers to be older. Fifty percent of those interviewed said the teachers should be at least thirty-five years old or older. In addition, the Quinault feel teachers should come from a rural, if not a reservation, background. Their two top priorities for other than content qualifications are that teachers should know the culture of the Quinault, and should be strict but fair with the children. On the other hand, they feel that support personnel, such as teachers-aides, should be Indian, at least thirty-five years old, and definitely from the reservation area. They do not feel that prior experience or certification is essential for the aides, but there was considerable discussion concerning aides not taking the place of teachers. Aides should be present to help the teacher with task and organization.

The Quinault have a long history of active participation in educational matters, often with much debate among the reservation inhabitants. Fifty percent of the people interviewed for this study registered dissatisfaction with the kind of education their children are receiving. The most common complaint is the teachers are not adequately preparing the children and children are promoted even though it is obvious they are not doing quality work.

In reviewing the comments, including the specifications for teachers, the conclusion is the Quinault feel Indian control of the educational system is good, but the quality of teaching needs to be improved.

This definition of what education should be, and the identification of the problem areas, more closely parallels that of the mainstream of the general public than any of the other reservations researched.

A very Indian feature that surfaced was the Indian people clearly saw a need for two different kinds of positions for providing information and direction to the student. These positions are counselors, as opposed to advisors. All the tribes interviewed indicated they wanted counselors to deal with personality and adjustment problems, for students having difficulties in school, with separate advisors who could serve as resource people to answer questions about careers, curricula, etc. As can be observed from the data on all of the reservations, these advisors would have different kinds of duties and skills than those identified as counselors. Some of the interviewees from the Quinault indicated that former teachers-aides could perform this task.

Lummi Reservation (*Washington*)

In spite of the fact the Lummi do not have a single school of their own on the reservation, they have maintained a separate parallel education system that is outstanding in its effectiveness. One aspect of this effectiveness can be observed in the large number of Lummi that still speak their native tongue. In addition, the Lummi have to be considered "progressive" in that they have developed economic enterprises of a technical nature far beyond those found on most reservations.

The Lummi are aware of the necessity for self-determination, and are ahead in terms of the comprehensive planning and implementation that will be necessary in the future for their survival as Lummi. They are clearly seeking the knowledge and expertise of the outside world for adaptation to the Lummi environment as opposed to other tribes seeking knowledge and expertise for adaptation to existing systems for the reservation.

The Lummi interviewees were obviously concerned with education and were extremely helpful with the research effort. Forty-six percent of the interviewees felt they had not received adequate education themselves, and 77 percent of them were not satisfied that their children were being adequately educated.

One striking difference in the definition of education by the Lummi as opposed to other tribes is the inclusion of a discussion of value systems as the responsibility of the school system. Well over half of the respondents (60 percent felt that personal, as well as religious, value systems should be taught by the schools.

The Lummi were the most clear in elaboration of the need for multi-tract curriculum within the school systems. In the discussions and questions concerning curriculum, the interviewees repeatedly discussed the merits or problems in mainstream content materials such as history of government, in terms of mainstream versus tribe. Clearly, the highest percent of the conclusions were that the school system had a responsibility to teach both as separate, but equal, content areas. They were adamant that they did not want history of the Lummi tribe included in courses in American history, but rather wanted them clearly identified as different and taught in a different manner.

Regarding qualifications of personnel including teachers, advisors, counselors, administrators, school board, the Lummi described in detail the qualities they felt necessary beyond academic certification for individuals that would fill these positions. They felt there ought to be mixed racial-Indian and non-Indian personnel.

It was interesting to note that while they felt a mix of Indian and non-Indian personnel was important, there was not complete agreement on the particular ratios. However, as with the Quinault, the Lummi were adamant that the designation of teacher ought to be granted only to those exceeding 25 years, with 54 percent ranking the minimum age at 35 years. In contrast, the teachers-aides minimum age requirement dropped to include junior high students to aide in classes they had just completed. This is consistent with the idea that the person who is most knowledgeable about what it takes to get through a particular class is someone who has just successfully completed the class.

Consistent with this trend, the Lummi clearly defined the role of the advisors and counselors as separate. The emphasis on age, experience, and caring was placed on the advisors, with the counselors viewed as being more oriented to professional certification in serving as mental health specialists working with the home environment and family as opposed to the more typical school oriented counselor.

The Lummi were also very explicit in their feeling that the entire community must be involved in the whole educational process. As well, they were concerned that the State, Federal, and tribal council politics need to be acknowledged, but kept separate from policy making in the schools.

In brief, the Lummi clearly define the roles of education to be plural, with endorsement and acknowledgement of the utility of the mainstream public education. At the same time, the Lummi demand alternative tracts that will provide their children the tools and knowledge for survival as Lummi on the Lummi reservation.

Northern Cheyenne (Montana)

The Cheyenne Interviewees represent a paradox in that the largest percent (52 percent) expressed dissatisfaction with the education they had received; however, they expressed the most satisfaction (74 percent) with the education their children are receiving. A partial explanation for this polarity is the Northern Cheyenne, during the past three years, have gained control of their own schools. For the first time in history, the Northern Cheyenne have all-Indian school board members for their two on-reservation institutions. In addition, the Busby Indian School was the first contract Bureau of Indian Affairs school. Busby has been a contract school for the past three years. Although there is much criticism, as would be expected in a situation where there is no history or experience in educational administration, there seems to be some general optimism and general belief that the schools will provide for the Cheyenne the kind of education they need.

Although the data, as collected for this research, would not share that optimism, the Northern Cheyenne data indicates there is a clear mandate for separation of the value systems of the mainstream and the reservation. In comparison to the prior reservations discussed, the Cheyenne are far more concerned that education be designed to give skills for reservation survival as well as prepare to send children off the reservation if they so choose.

The priority for mainstream course content for all designated areas is very low with Indian system or tribal content materials being as high, or higher, in every case. In addition, the Northern Cheyenne want the inclusion of supportive course content in agriculture, including ranching and farming, at the extremely high percentage of ninety-five percent. It is also indicated that technical knowledge and values related to ranching and farming should be taught at all levels; not just vocationally or just in the high schools. At the same time, ninety-five percent of the interviewees felt basic homemaking courses for both the mainstream and tribal areas should definitely be included in the entire school curriculum. This is clearly the strongest statement concerning the relationship between the natural, physical, economic environment, and the responsibility of the schools to those environments made so far. The Cheyenne people want alternative tracts, and feel it is the educational institution's responsibility to provide for the survival skills of both those wishing to survive on the reservation, and those wishing to survive off the reservation.

The Northern Cheyenne are clearly the most concerned that their children do not leave the reservation for further education; yet, their response approaches a hundred percent in their wish for their children to go on to college off the reservation. This differs from the rather electic and cosmopolitan attitude of the two reservations described previously.

Approximately forty percent of the respondents stated that race, sex, age, of all personnel within the school system is less important than some of the other attitudinal factors. For example, almost seventy percent of the respondents indicate teachers-aides, advisors, counselors, and other support personnel need to come from the reservation and/or be Indian. It is more important for this personnel to be knowledgeable about the reservation than it is for them to be Indian. The Northern Cheyenne rank higher than all of the other reservations in wanting the students to be fairly, but strictly, evaluated.

In brief, the Northern Cheyenne clearly define education as having two broad objectives: 1) To prepare children for "success;" and 2) To provide the knowledge and skills compatible with survival on the reservation.

Pine Ridge Reservation (South Dakota)

The Pine Ridge Reservation provides the most clear-cut demands for educational reform. This is due to many factors, but certainly among them are the historical injustices resulting in the loss of tribal resources from 1868 up through the recent Wounded Knee confrontations with the federal government. This loss of resource of a physical nature was coupled with the erosion of the semi-sovereign state of the reservation through state laws constantly attempting to assume jurisdiction over both the educational processes and the civil rights of the reservation inhabitants.

From the federal standpoint, the Sioux as well as the Cheyenne have been severely punished for the Custer debacle, while the murders of respected Sioux elders, such as Sitting Bull, Crazy Horse, and Big Foot, were passed off as minor incidents, rather than major political assassinations. As a result, the general attitude of the Sioux people toward all agencies and organizations is one of mistrust.

This leads to the recent recognition that the state boards of education, the overall general societal concepts of public education, the state university system, the state accrediting organizations are not going to initiate or implement the development of education for the Sioux people's benefit. That the Pine Ridge Sioux are, and have been, involved in educational processes as participants and as planners is evidenced by the extremely large number of Sioux that have been at the forefront in pushing for Indian education programs. All of the tribes in the South Dakota area have initiated and participated in designing community colleges and several have been implemented far beyond expectation.

The federal agencies have turned to the Sioux people to recruit personnel from the Commissioner of Indian Affairs on down. If figured on a per capita basis and in relation to the small amount of resources and small number of individuals, the Sioux people have an extremely large number of doctorate and master degree holders that are serving important positions both on and off the reservations.

With this background information, it is not surprising to find the Sioux at Pine Ridge are definitive and clear in describing and defining the role of education for their children. The data indicates the educational system should provide two clear alternative tracts. One, a quality educational system designed specifically to prepare children to go on to higher education and be competitive in the particular discipline they choose. (For example, of those interviewed, a hundred percent wanted mainstream math and mainstream sciences in their curriculae.) Two, both tribal and mainstream courses need to be taught, but taught separately.

The Pine Ridge Sioux are the only reservation inhabitants who feel very strongly that religious values, both tribal and mainstream, are the responsibility of the school system. Seventy-eight percent of the people want the basic concepts, values and orientation of ranching and farming to be included in the educational system from K through 12, and into postsecondary. An even higher percent (89 percent) want homemaking available to their children through the whole of their academic exposure.

It is very clear the Sioux people are not satisfied with the kind of education their children are getting at the present (78 percent). Reference will be made later to the cause of this dissatisfaction.

Summary and Conclusions

The most important result of this research can be stated very briefly: The Indian people are not satisfied with the kind of education their children are receiving. However, it is very clear from the data that

Indian people are not simply dissatisfied; they have very definitive reasons for that dissatisfaction.

There is no question their dissatisfaction stems from particular cultural conflicts in the goals and objectives of what education is supposed to be. However, not all of the conflict is racial in the sense the cultural conflicts of rural versus urban in the mainstream society are at play as well.

The second most compelling result of this research is that each rural reservation has a need to define education according to its own particular and unique value system. The needs of a fishing and aquaculture oriented Lummi in education are far different that the needs of the ranching and farming Pine Ridge Sioux, which are both different from the needs of impending technological explosion occurring on the Northern Cheyenne.

The obvious conclusion is the educational hierarchy must reconsider the exercise of their power to allow meaningful local control. To insure that the goals and objectives are truly met, the people being educated must have maximum control in the definition of what is taught, the purposes for what is taught, and control of who does the teaching. From an administrative standpoint, this means the community must do adequate educational research including a needs assessment, philosophical and practical goal and objective definitions, implementation plans, and very careful internal and external evaluation formats that can provide information on the ongoing educational process.

This further implies the local political unit must be granted the monies needed to implement the process.

The underlying thread that consistently appears is the need for Indian values to be recognized and incorporated within the educational system; in addition, there is expressed a definite need for basic skill and hard science offerings.

The most important conclusion to be drawn from this research is the Indian people are vitally concerned with their children's education, but will not be satisfied until they, as parents, have a meaningful role in defining what is meant by education.

A SPECIAL REPORT ON OFF RESERVATION BOARDING SCHOOLS

In 1972, the National Indian Youth Council observed in its newsletter that, "It seems the more problems of Indian education get exposed, the more implacable the glories of the Bureau of Indian Education Office become. . . . nothing has changed significantly since the special report [on Indian Education in 1969]. Nothing as it stands, is likely to change."[1] This statement could also be applied to one of the oldest institutions educating Indian children—the federal boarding school.

Today in 1976, almost one hundred years after the establishment of Elezear Wheelock's first boarding school and one hundred and six years after the federal government becams directly involved in boarding school education, Indian children are still attending this type of school. Strange as it may seem, a large number of these original schools and their facilities still remain.

There are several types of boarding schools educating Indian students today. These are:

On-reservation boarding schools;
Off-reservation boarding schools;
Bordertown dormitories housing Indian children who are educated in public schools; and
Post-secondary institutions.

Within the Bureau of Indian Affairs, there are nine area offices operating directly under the Commissioner. These offices carry out the operating functions of the various Bureau programs. The off-reservation boarding schools report to their area office and relate to the Education Director in Washington on general matters of policy.

Some 17,333 elementary school children presently are attending federal boarding schools, and some 9,431 high school students are enrolled in such schools. Of this number, 19,988 students attend boarding schools on reservations and 6,776 attend boarding schools off the reservation.[2] A listing of these schools by name and area office location is shown below.

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[1] National Indian Youth Council, "Newsletter," April 1, 1972.
[2] Educational Statistics supplied by Education Division, BIA. August 1976.

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TABLE 1.

TOTAL ENROLLMENT OF STUDENTS ATTENDING ELEMENTARY/SECONDARY OFF-RESERVATION BOARDING SCHOOLS FOR FISCAL YEAR 1975

Area	School	Enrollment
Elementary:		
Aberdeen	Wahpeton, N. Dak	261
Anadarko	Concho, Okla	354
Muskogee	Seneca, Okla	188
Total		803
Secondary:		
Albuquerque	Albuquerque Indian School, N. Mex	320
Aberdeen	Flandreau, S. Dak	767
Anadarko	Chilocco, Okla	359
	Fort Sill, Okla	330
	Riverside, Okla	318
Juneau	Mount Edgecombe, Alaska	538
Muskogee	Sequoyah, Okla	350
Phoenix	Phoenix, Ariz	877
	Sherman, Calif	785
	Stewart, Nev	505
	Intermountain, Utah	1,057
Portland	Chemawa, Oreg	483
Total		6,689

Source: Gathered, compiled, and analyzed by Task Force 5 from materials submitted by BIA.

The Task Force on Indian Education of the American Indian Policy Review Commission realized what an enormous task it would be to solicit opinions from or attempt to visit all these facilities. Therefore, the Task Force chose to limit its inquiry to the off-reservation boarding schools and where possible to conduct site visits to a number of on-reservation boarding and day schools.

Our review of the off-reservation boarding school was organized as follows:

1. To review a Compendium of Federal Boarding School Evaluations. This was a special report prepared for the Special Senate Subcommittee on Indian Education in 1969.
2. To assess what the Bureau of Indian Affairs had done to implement the findings of the Kennedy Report.
3. To review all BIA Evaluations of these schools since 1969 and contrast these evaluations with follow-up activity.
4. To communicate directly with the superintendents and principals of these schools and solicit their own evaluations, plans, and recommendations for the school.
5. To communicate with the advisory school boards for their recommendations concerning the schools.
6. To utilize the BIA central office staff's survey of off-reservation boarding schools in preparation for response to the Senate Interior Appropriations Subcommittee.
7. To visit selected elementary, secondary, and post-secondary off and on-reservation boarding schools.

The report which follows is based on the utilization of all the resources identified above.

In 1969, a special Senate Subcommittee on Indian Education (Kennedy Report) filed its long awaited report. It declared that Indian Education was both a "National Tragedy and a National Challenge." The report was a result of field investigations chaired initially by the late Senator Robert F. Kennedy and subsequently finished by Senator Ted Kennedy. In addition to field investigations, extensive staff work utilizing field consultants looked at many aspects of Indian education.

One aspect of the review was organized as a "Compendium of Federal Boarding School Evaluations." This section described the conditions of the off-reservation boarding schools at that time, and utilized field consultants to evaluate on site the administration, curriculum, and mental health of the students attending these schools.

This report stated that in 1969, "more than 12,000 Indian children attended (sic) school in 19 off-reservation boarding schools. . . . (They) are frequently transported hundreds of miles . . . far away from family life, tribal value, standards, and customs . . . a vast majority of them are labeled by their teachers as misfits, underachievers, or troublemakers, and attitudes of school personnel insure that they will never be considered otherwise while in school." The report described the Bureau of Indian Affairs' off-reservation boarding school programs as follows: "One is the regular school, which provides the students in residence there with a course of study leading to a high school diploma. The other provides dormitory facilities for students participating in the border town program, in which students live at BIA dormitory facilities and attend nearby public schools. Frequently, the two programs are operated concurrently in the same facility." [3]

Students were referred to these schools by local reservation social workers and superintendents. At the time of the Kennedy Report, the education and social criteria outlined for boarding school students clearly indicated that they were students with special, difficult behavioral problems or who either had retardation or bilingual problems.[4]

The thirteen evaluations conducted for the Kennedy Subcommittee pinpointed administration, curriculum and personnel, and student mental health as the recurring problems at these schools. A highlight of the findings is outlined below.

Administration

"Administrative problems associated with the off-reservation boarding schools are many. One of the most basic is the confusion over goals established by the BIA as to Indian education as a whole, and where the individual school fits into this picture. Administrators seem to realize that the schools have become a dumping ground for problem students, but feel helpless either to work toward solving problems of the student, or toward finding adequate personnel to work toward their solution.

The high mobility rate, and the lack of adequate records, only add to crush of administrative problems." [5]

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[3] United States Senate, "Compendium of Federal Boarding School Evaluations," 1969, p. 253.

[4] BIA Manual. 62 IAM 2.5.2. (A, B).

[5] *Ibid.*, pp. 255–257.

Curriculum and Personnel

"The problems associated with curriculum materials revolve mainly round the fact of their being designed for students who no longer constitute the majority of the student population.

At many schools, the curriculum not only is not responsive to student needs, but it falls short of even the most basic standards of an adequate level for meaningful learning at the high school level.

Most of the schools have access to funds under Title I of the Elementary and Secondary Education Act to develop special programs for the disadvantaged students. Under Title II, funds are given to the BIA for school libraries and textbooks . . . so many schools cite budgetary problems as reasons for providing thoroughly outdated textbooks, and for totally lacking supplementary teaching materials. It is no wonder that most students "graduate" 2 to 3 years behind their grade level in achievement.

The main problem associated with both the teaching and guidance personnel is that they are infrequently selected on the basis of the job to be done. They are often "old line" bureaucrats who have been employed by the Federal school system for a number of years." [6]

Mental Health

"According to the report, the depth and nature of the mental health problem is evident when one considers the statistics of students with special social and emotional problems: At the Albuquerque Indian School, 50 percent of the students were enrolled under the social criteria established by the BIA; at Busby, 98 percent of the students were enrolled for social reasons; at Chilocco, 75 percent; at Flandreau, 90 percent; at Stewart, 80 percent. The Bureau further estimates that 25 percent of the students enrolled in all of the off-reservation boarding schools are dropouts from public schools." [7]

"A study made by ABT Associates of Cambridge, Mass., at the urging of the subcommittee, reports similar dissatisfaction with the personnel situation in the boarding schools. The report indicates:

> In the dormitories, the inadequacy of student guidance is heightened by the many other demands on the counselors' time. Since the majority of the dormitory personnel are responsible for building maintenance and for punishment, as well as for guidance, it is hardly surprising that students rarely confide in them. They must see that floors are mopped, rooms neat, and misbehavior punished. At the same time, each one is expected to be like a father or mother to 100 or more boys or girls, and to provide them with the love and attention they would receive at home. This task, impossible even for the best trained counselor, is usually assigned to untrained persons. Some have personnel problems of their own which manifested themselves in the disregard or mistreatment of students.

Students are referred to boarding schools most often by social workers in their home communities. Once the referral is completed, there is little communication between the educators, the guidance personnel and the social workers. There is also little adequate communication between the Division of Indian Health personnel and the school staffs. Clearly, much of the blame for many of the school's failings must be attributed to the evident fractionalization of responsibility." [8]

The Kennedy Report highlighted the following findings concerning federal off-reservation boarding schools:

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[6] *Ibid.*, pp. 257–258.
[7] *Ibid.*, p. 259.
[8] *Ibid.*, p. 260.

1. Most of the 19 off-reservation boarding schools have become "dumping ground" schools for Indian students with serious social and emotional problems. These problems are not understood by school personnel, and instead of diagnosis and therapy, the schools act as custodial institutions at worst.
2. Although the student population of off-reesrvation boarding schools has changed dramatically in the last 12 years, no corresponding change has taken place in their staffing, goals, or curriculum.
3. A number of students have been ordered to attend one of these schools as a substitute for reformatory. Approximately 25 percent of the students are referred because they are dropouts or pushouts from public schools.
4. Special programs and vocational education have been phased out in most of the schools, and they masquerade as strictly academic institutions, preparing students for college.
5. In summary, the schools do not rehabilitate, are not designed as therapeutic agents, and in fact, they often do more harm than good.[9]

These findings were a strong indictment of the off-reservation boarding schools. Later that year (1969), both Chilocco Boarding School in Oklahoma and Intermountain Boarding School in Utah, were scenes of active unrest among the students.

As a result of the establishment of Indian Advisory Committees mandated by the late President Lyndon B. Johnson and extended under former President Richard M. Nixon, a number of visiting committees were appointed by the area directors with the approval of the Commissioner of Indian Affairs. These committees visited various boarding schools to evaluate the program, administrators, teachers, facilities and all other aspects of boarding school life. Between 1971–1974, various visiting committees came to the schools to conduct general evaluations of the schools and all aspects of their activities. Several of the schools received more than one evaluation from the visiting committees as well as the Bureau of Indian Affairs Education Resource Center staff located in Albuquerque, New Mexico.

The following chart indicates the general findings and areas in need of improvement which the visiting committees recommended in their evaluations.[10]

TABLE 2.

VISITING COMMITTEE/BIA/IERC EVALUATIONS OF OFF-RESERVATION BOARDING SCHOOLS, 1970-73

Schools	Need for clear goals and objectives	Need for stronger administrative structure and central	Need to revise curriculum and guidance efforts	Need to improve staff via training and orientation	Need to improve or rebuild facilities	Need to improve student atmosphere
Elementary:						
Concho, Okla	X	X	X	X	----------	X
Seneca, Okla	X	X	X	X	X	X
Wahpeton, N. Dak	X	X	X	X	X	X
Secondary:						
Flandreau, S. Dak	X	X	X	X	X	X
Chilocco, Okla	X	X	X	X	X	X
Riverside, Okla	X	X	X	X	X	X
Fort Sill, Okla	X	X	X	X	X	X
Albuquerque, N. Mex	X	X	X	X	X	X
Intermountain, Utah	X	X	X	X	X	X
Phoenix, Ariz	X	X	X	X	X	X
Sherman, Calif	X	X	X	X	X	X
Stewart, Nev	X	X	X	X	X	X
Chemewa, Oreg	X	X	X	X	X	X
Mount Edgecomb, Ark	X	X	X	X	X	X
Sequoyah, Okla	X	X	X	X	X	X

Source: Compiled and Analyzed by Task Force 5 from materials submitted by B.I.A.

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[9] United States Senate, "Senate Report No. 91–5011, 91st Congress 1st Session—Committee on Labor and Public Welfare," November 3, 1969, pp. 103–104.

[10] For an illustration of a Visiting Committee's findings, see page 355, Off-Reservation Boarding Schools Special Report, Section VI.

In late 1975, the Office of Education in the Bureau of Indian Affairs was directed by the Senate Interior Appropriations Subcommittee to conduct a survey of their off-reservation boarding schools. The purpose of the survey was threefold: (1) to determine why there were funding discrepancies among the boarding schools; (2) to review cost-cutting procedures which might be used in operating these schools; and (3) to identify facilities not being fully used with a view to closing some of these facilities. The report was filed with the Subcommittee in April, 1976.

Eighteen off-reservation boarding facilities participated in the survey. A list of the participating schools with their student enrollment and profile data appear on the following chart.

TABLE 3.—STUDENT PROFILE DATA

School	Total enrollment fiscal year 1975	Fiscal year 1971–75, changes in composition of student population	Presence of alcohol and drug problems	Speaks and/or understands tribal language (percent)	Receives juvenile court, child welfare referrals	Home problem situations (percent)	Public school dropout	Admitted under social criteria (percent)	Grade	Average age
Elementary:										
Concho	257	Yes	No	20	Yes	60	0	90	1, 2, 3	6.3, 7.3, 8.3
Seneca	185	Yes	Yes	80	Yes	66	38	66	4, 5	9.3, 10.3
									1	6.3
Wahpeton	383	Yes	No	10	Yes	8	2	80	6	11.9
									7	13.2
									8	14.6
High school:										
Aberdeen area: Flandreau	755	Yes	Yes	32	Yes	40	65	80	9	15.1
									10	16.5
									11	17.4
Anadarko area:										
Chilocco	260	Yes	Yes	40	Yes	75	15	26	12	18.3
Riverside	276	Yes	Yes	95	Yes	70	70	35		
Fort Sill	342	Yes	Yes			37	75	75		
									13	20.8
									14	22.7
Albuquerque area: Albuquerque school	405	No	Yes	100	Yes	25	90	82		
Phoenix area:										
Intermountain	1,057	Yes	Yes	60	Yes	68	30	12		
Phoenix school	878	No	Yes	90	Yes	70	80	80		
Sherman	785	No	Yes	90	Yes	45	50	75		
Stewart	400	No	Yes	91	Yes	60	20	85		
Portland area: Chemawa	488	Yes	Yes	13	Yes	63	90	90		
Juneau area: Mount Edgecumbe	400	Yes	Yes	70	No	25	30	30		
Muskogee area: Sequoyah	350	No	Yes	40	Yes	51	90	70		
Grand Total	6,321									

Source: BIA Education Division.

Students attending these schools are recommended based on the education and social criteria outlined in the Bureau of Indian Affairs Manual.[11]

Because of the nature of the boarding schools, the report states that "these schools are engaged in programs (like) . . . homeliving, counseling, fine arts, cultural and social development, remedial learning, agriculture, and alcohol and drug abuse." [12] They must be both school and home for their students.

These schools run the gamut from the three elementary schools to the thirteen high schools, and three post-secondary schools. According to this survey, the education programs are as diverse as the schools themselves.[13]

The majority of the student body at these schools appears to have been recommended based on social criteria. The survey points out that "the average age in grade reflects students in near-normal age/grade placement at the secondary level. . . . Elementary school statistics indicate that students are somewhat over-age in grade after the fifth grade." [14]

The secondary boarding schools participating in this survey reported, "that entering students have average or above intellectual ability, but range from one to three years behind the level of basic skills involved in language and mathematics. One of the schools reports 70% of its students entering the ninth grade at or below fifth grade level in basic skills achievements." [15]

Elementary off-reservation boarding schools like Wahpeton, Seneca, and Concho have programs organized to respond to students with special learning problems in the classroom yet their after school and dormitory activities are extremely limited.

The off-reservation high schools are still operating traditional programs preparing students for college. Only limited vocational courses are taught in these schools.

The program set aside monies, for the Bureau of Indian Affairs schools from the Elementary and Secondary Education Act of 1965, have been used in these schools to add basic skills specialists, cultural enrichment, and more intense counseling and guidance efforts for the students.

The post-secondary schools operated by the Bureau of Indian Affairs—The Institute for American Indian Arts, Haskell College, and Southwest Indian Polytechnic Institute—have been traditionally classified as off-reservation boarding schools. They have been treated like the other BIA off-reservation boarding schools for purposes of administration, programming, and budgeting. These schools are under the jurisdiction of various area offices and basically have very little control over their staff, programs, budgets, or enrollment of students. An analysis of these schools will be treated in the higher education special report.

Per pupil costs for all expenditures for the off-reservation boarding schools in fiscal year 1975 are $6,114; and for off-reservation high schools, the per pupil costs, for all expenditures, are $6,486.

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[11] BIA Manual, 62 IAM 2.5.2. (A, B).

[12] George Underwood, "Off Reservation Boarding School Survey," April 1976, p. 8.

[13] *Ibid.*, pp. 9–10.

[14] *Ibid.*, p. 6.

[15] *Ibid.*, p. 7.

The charts which follow are taken from the recent survey and serve to illustrate costs data with all the categories included in arriving at those figures.

TABLE 4.—SCHEDULE OF OPERATING COSTS OFF-RESERVATION ELEMENTARY AND SECONDARY BOARDING SCHOOLS—FISCAL YEAR ENDED JUNE 30, 1976

Appropriated funds, school operations	Personnel services	Travel	Other expenses	Total
ELEMENTARY [1]				
Instructional	$795,068	$1,641	$108,143	$904,872
Pupil services	120,546	1,352	1,732	123,630
Home living	635,503	9,802	147,383	792,688
Student activities	51,831		12,851	64,664
Food services	200,931	1,203	287,642	489,776
Pupil transportation		48,617	1,315	49,932
General operations	221,347	12,914	19,470	253,731
Parental involvement and Indian policy groups	1,675		1,850	3,525
	200	1,439	2,455	4,094
Total	2,022,103	75,822	582,841	2,686,912
Facilities management	444,635	3,605	381,230	829,470
Nonappropriated funds, title programs:				
Title I	200,021	1,824	148,051	349,896
Title II			7,916	7,916
Title IV	5,549	307	10,505	16,360
Total	205,570	2,131	166,472	374,172
Total costs	2,672,308	81,558	1,130,543	3,885,554

TABLE 5.—SCHEDULE OF OPERATING COSTS OFF-RESERVATION ELEMENTARY AND SECONDARY BOARDING SCHOOLS—FISCAL YEAR ENDED JUNE 30, 1976

Appropriated funds, school operations	Personnel services	Travel	Other expenses	Total
SECONDARY [2]				
Instructional	7,839,581	150,411	1,368,759	9,358,751
Pupil services	1,688,429	16,553	86,040	1,791,022
Home living	4,562,671	23,979	945,265	5,531,915
Student activities	598,894	10,059	146,216	755,169
Food services	1,349,636	3,680	2,149,441	3,502,757
Pupil transportation	226,241	496,773	40,603	763,617
General operation	1,218,140	140,332	316,791	1,675,263
Parental involvement and Indian policy groups		14,555	14,587	29,142
	17,483,592	856,342	5,067,702	23,407,636
Facilities management	4,012,187	68,438	3,354,527	7,435,152
Nonappropriated funds, title programs:				
Title I	1,087,813	35,845	628,494	1,752,152
Title II			140,074	140,074
Title IV			36,868	36,868
Total	1,087,813	35,845	805,436	1,929,094
Total costs	22,583,592	960,625	9,227,665	32,771,882

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[1] Off-reservation elementary schools include Concho, Seneca, and Wahpeton:

Average daily membership of all elementary schools	635.3
Annual cost per pupil (school operation)	$4,219
Annual cost per pupil (school operation and facilities management)	5,525
Annual cost per pupil (total all funds)	6,114

[2] Off-reservation secondary schools include Albuquerque, Chemawa, Chilocco, Flandreau, Fort Sill, Intermountain, Mount Edgecumbe, Phoenix, Riverside, Sequoyah, Sherman Institute, and Stewart:

Average daily membership of all secondary schools	5,052.4
Annual cost per pupil (school operations)	$4,633
Annual cost per pupil (school operations and facilities management)	6,105
Annual cost per pupil (total all funds)	6,486

Source: BIA Education Division.

TABLE 6.—SCHEDULE OF PER PUPIL COST FOR EACH OFF-RESERVATION BOARDING SCHOOL, FISCAL YEAR ENDED JUNE 30, 1975

	Average daily membership	School operations	School operations and facilities management	Total costs [1]
Elementary schools:				
Concho	227.6	$4,595	$6,036	$6,686
Seneca	142.7	4,227	5,596	4,454
Wahpeton	265.0	3,897	5,052	5,444
Secondary schools:				
Albuquerque	343.1	4,923	6,026	6,469
Cemawa	478.0	4,777	5,848	6,072
Chilocco	243.0	5,986	8,321	8,845
Flandreau	512.8	3,267	4,181	4,806
Fort Sill	213.2	4,588	5,463	6,062
Intermountain	692.3	5,267	7,160	7,404
Mount Edgecumbe	402.9	7,450	12,618	13,296
Phoenix	660.9	3,493	4,428	4,728
Riverside	232.2	5,844	7,037	7,454
Sequoyah	251.5	4,808	6,059	6,618
Sherman Institute	637.4	3,454	4,149	4,336
Stewart	385.1	4,169	1,879	5,133
Post-secondary schools:				
Haskell Indian Junior College	994.1	4,052	5,143	5,143
Institute of American Indian Arts	159.2	9,876	10,077	10,272
Southwest Indian Polytechnic Institute	350.6	6,863	9,044	9,044

[1] Includes nonappropriated special funds, title programs.

Source: BIA Indian Education Division.

The survey concludes with twelve recommendations concerning these schools. They can be categorized as follows:

Policy.—Establish clear mission and goals for the schools based on needs of students being served.

Organize an admittance and transfer policy for students for each level of schools (elementary, secondary, post-secondary).

Personnel.—Area offices should maintain civil service register of potential employees so that vacancies can be filled more efficiently.

Sufficient diagnostic staff must be hired at each school to meet the needs of the students.

Each institution should have a program development and evaluation specialist.

Finance.—A method for equitable funding should be established. Accounting procedures and fiscal reports should be standardized.

Student Services.—A uniform system of student enrollment and withdrawal records should be devised and maintained.[16]

The survey noted that the 1969 recommendations of the Kennedy Report had not been implemented.

In addition to the reports outlined above, the Indian Education Task Force sought to review all evaluations of these schools since 1968, contact the superintendents and principals of these schools concerning their own evaluations and recommendations about their schools, visit a select number of these schools, and receive hearing testimony concerning problems at the schools.

The evaluations reviewed all pointed to a need for reorganized and effective curriculum, expanded and specialized staff, more involvement of Indian people on members of advisory school boards, and committees, improved facilities and dorms, and vocational activities for Indian students.

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[16] *Ibid.*, pp. 18–19.

On site visits by Task Force members,[17] administration, faculty, and students were interviewed. Classrooms and dorms were visited. Our impressions were as follows:

Administration, faculty, and students were interviewed by Task Force members during their on site visits to classrooms, dorms, and other facilities—facilities were of two extremes, i.e., fairly new and comfortable or old, dilapidated and in need of immediate renovation and replacement. The classrooms had an air of busyness and were bright, cheerful, and well maintained. Although temporary trailers were scattered throughout most of the schools for use as classrooms, it was not because of overcrowding, but rather old worn out facilities. The dorms were still drab and more like army barracks with little privacy for individual items or areas to study. The recreation lounge consisted of mostly a television set with limited other games or recreational activities. In the majority of the schools, sports as recreational and intramural activity for personal development was not promoted.

Curriculum still seemed to be geared to traditional college preparation with limited business and vocational education included. Through the Elementary and Secondary Education Act Set Aside for BIA schools, remedial teaching specialists and cultural enrichment courses, have been added to the schools. A more direct effort has been made to include cultural materials and events in the school's program.

Staff turnover still appears quite high in the schools visited, although there is an increasing number of Indian professionals moving into teaching and administrative positions. However, it has been the funds from the supplementary programs that have been instrumental in bringing Indian teachers and aides into the classroom as cultural resource people.

Administrators at these schools indicated that they were given a set budget by the area offices and pretty much left alone after that, to run their schools, as they saw fit. They indicated that during the last ten years, the direction from the BIA education office in Washington, D.C., had been fraught with inconsistent policies and directives. It was difficult for the administrators to know from one year to the next whether their schools would be in operation. In questioning about minimum goals and standards for their schools' program, it appeared that no initiative had been taken in this area by the central education office in Washington. School programs were redirected and expanded usually as a result of the activity and recommendations of the visiting committees, advisory school boards, faculty planning, or demands of the students. It appears that even the accreditation of the school is an issue left up to the school administrator with no assistance from the Washington office.

Budget initiatives are not taken by the local school administrator. The budget amount is set by the area office and passed down to the school. This means any new initiatives or directions must be organized within the framework of an existing and constraint budget amount.

A number of school personnel called to our attention a recent review by the Civil Service Commission of both the BIA Washington and field education staff. It appeared to the staff that many of the field positions were scheduled to be downgraded. Since many of the Indian staff members are recent employees, they felt their positions would be downgraded first.

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[17] For a history of these, see Appendix X.

The majority of the schools visited, as with most of the BIA schools, are faced with a declining enrollment. Students in attendance at the off-reservation boarding schools are not necessarily attending the facility closest to their homes, despite an announced BIA policy of sending students to a school close to home. Although no documentation exists at the education office in Washington, the character of the student body seems to be changing. Students increasingly represent serious juvenile offenders with extreme remedial learning problems. Yet, the administrators indicated that both their budgets and staff are too limited to meet the type of diagnostic demands these students need.

Throughout the country, in the Task Force hearings and site visits, parents, students, teachers, school board members, and superintendents called attention to many, many factors.

Parents and students described insensitive faculty and staff, brutality, abuse, and unfair expulsion policies directed against active students. They also indicated the many requests they had made to area and Washington BIA offices for important investigations. It took much publicity and political pressure to obtain such review. Then, no consistent follow-up was provided for by the BIA. All complaints concerning these activities about the system were reviewed inside by that same system. Many students and parents felt helpless because no one would listen seriously or attempt to resolve the issue fairly.

Teachers described bureaucratic "white" tape, which caused the arrival of needed materials, supplies, and textbooks to come late into the year. They also described their interest in receiving a more open orientation about the students, their backgrounds and cultures, and the boarding school community to which they were coming. Many of the teachers seemed actively interested in the abilites and capabilities of their students.

Advisory School Board members described the new enthusiasm of Indian educational leaders in assessing and redirecting the schools which Indian children attend. These Advisory School Board members had done much in directing that a broader curriculum responsive to the demands of today in terms of skills and cultural dignity be developed along with the hiring or reorienting of staff to be responsive to both the school program and its students. These boards appear to have done much to air student grievances and work for a comprehensive student activities program. Although advisory in nature and operating with limited funds, these boards in the majority of instances appear to be making an increasingly significant impact on the schools.

School superintendents and administrators pointed out the lack of educational direction including technical assistance, from the education office in Washington, D.C. They discussed frustration over their lack of budget development authority and the frustration of dealing with the various accounting codes for BIA regular programs and USOE–ESEA Title programs. All these administrators felt construction and renovation needs were approaching serious proportions in their schools. Many of these superintendents expressed uncertainty concerning the affects of the Indian Self Determination and Education Assistance Act (Public Law 638) on their school program and staff. Many indicated a planning and transition timetable should be developed by the area and Washington offices prior to the contracting phase and that all facilities should meet minimum state standards prior to transfer. Recurring problems cited by the school superintendents were funding, staffing, and student discipline.

Enrollment of students attending elementary/secondary off-reservation boarding schools by tribe for fiscal year 1975

Tribe:	*Enrollment*
Aleut, Eskimos and Indians	661
Pima	548
Nez Perce	547
Apache	433
Papago	399
Hopi	336
Cherokee	263
Sioux	262
Kiowa	245
Chickasaw	231
Creek	186
Shoshone	184
Chippewa	178
Pueblo	175
Cheyenne	160
Ute	155

Total enrollment of Indian students attending off-reservation boarding schools: 7,492.

Total enrollment of above tribes having over 150 students attending off-reservation boarding schools. 4,963.

These 16 tribes represent 66 percent of the total enrollment for Indian students attending elementary/secondary off-reservation boarding schools.

Source: Gathered and compiled by Task Force 5 from BIA fiscal year 1975 data.

In looking at the previous charts, it becomes apparent that sixteen tribes send the majority of elementary and secondary students to these schools. Students are also scattered in various schools indicating that a policy of "closest to home" is not followed.

When one reviews where the tribes are located and the number of students from each, it is evident that a student population of 155 to 661 per tribe could support a tribal educational facility.

Conclusions

The past seven years, since the filing of the Kennedy Report in 1969, boarding school education for Indian children has seen little significant progress. Recommendations of the Kennedy Report appear to have had little impact on the Bureau of Indian Affairs' administration or programs of these schools.

Since 1969, there have been student riots and unrest in practically every off-reservation boarding school. A number of lawsuits have been brought against the Bureau by the National Indian Youth Council and several Indian parents.

Although the Bureau has adopted a policy of "closest to home" for educating Indian children, their own statistics do not indicate that this policy has been respected. The following chart on student enrollment in off-reservation boarding schools by tribe indicates a checkered method of student enrollment.

ENROLLMENT OF STUDENTS ATTENDING ELEMENTARY/SECONDARY OFF-RESERVATION BOARDING SCHOOLS BY TRIBE

	Elementary area			Secondary area												
	Aberdeen—	Anadarko—	Muskogee—	Albuquerque—	Aberdeen—	Anadarko—			Juneau—	Muskogee—	Phoenix—				Portland—	
	Wahpeton, N. Dak.	Concho, Okla.	Seneca, Okla.	Albuquerque Indian School, N. Mex.	Flandreau, S. Dak.	Chilocco, Okla.	Fort Sill, Okla.	Riverside, Okla.	Mount Edgecombe, Alaska	Sequoyah, Okla.	Phoenix, Ariz.	Sherman, Ga.	Stewart, Nev.	Inter-Mountain Utah	Chemawa, Oreg.	Total
Aleut, Eskimos, and Indians		1							538					1	121	661
Apache		2		52	1	4	21				212	111	26	4		433
Cherokee		1	63		12	11		5		169			1	1		263
Cheyenne		67		1	2	23	40	19		3				3	2	160
Chickasaw			1		217	1	4	6		2						231
Chippewa	147			1		9	2				2	1		11	5	178
Creek		15	45			29	7	4		84		2				186
Hopi											147	177	11			336
Kiowa		65	1			19	60	95		5						245
Nez Perce								3					1	532	11	547
Papago				1		17					138	121	119	3		399
Pima				18		8				1	227	152	125	17		548
Pueblo		10		137		6	1	2			4	6	2	6	1	175
Shoshone					25	8	4	9			2	9	27	87	13	184
Sioux	50	1		5	146	16	3	4				7	4	23	3	262
Ute		1		7		2	5				8	15	8	98	1	155

Source: Gathered and Compiled by Task Force from BIA data, fiscal year 1975.

It appears to the Task Force that Indian boarding school education policy is an area of gross neglect by both the Executive and Legislative Branches of government. The Task Force believes it is time to stop the expansion of all boarding facilities and to assess which of these are in excellent and usable condition. We also believe it is time to identify the real characteristics of the student body. Where diagnostic education is required, the best of the boarding school facilities should be devoted to this and a specialized staff hired to meet the needs of these students.

BIA policy for the other students should give priority to building and maintaining elementary and secondary schools in the Indian community. In spite of the urgency, by the special Senate report on Indian education that elementary—secondary age children be kept at home, some 7,492 are attending off-reservation boarding schools, with a total of 46,880 attending boarding and day schools. Although this report cited the unsafe, dilapidated and condemned school and dormitory facilities, construction and renovation needs in these schools have continued to grow with Congressional appropriations barely beginning to respond to these schools. Yet, the BIA estimates that it needs immediately more than 30 million dollars to replace and renovate these facilities.

Staff and administrators in these schools, while upgrading skills on their own, still do not have to be certified teachers and administrators but rather as a prerequisite have to meet civil service standards.

Curriculum has begun to change in these schools to reflect a broader knowledge and skills base. But, a serious review of this area based on the needs of the student body being served has been initiated and conducted by visiting committees and advisory school board members. Practically no initiative has come from either the area offices or the Washington education office of BIA to encourage and assist in such activities.

While school superintendents recognize the student characteristics of their schools are changing, no formal effort has been made by the education division to assess and describe the emerging student bodies. This is a critical information area, which must be developed for future planning, direction, and budgeting of these schools.

Within the last several years, a number of active Indian school boards and organizations have begun to assert their rights and interests in operating the off-reservation boarding schools. A review was undertaken of new program directions at Pierre, Flandreau, Phoenix, Chemawa, Sherman, and Albuquerque by the advisory school boards. The interest among some of these groups in planning and operating the schools appears high. Yet, it is clear that there has been no direct policy emanating out of Washington concerning these schools. These schools have been left pretty much to their own initiatives over the last seven years. It has been the superintendent, principal, and teachers who have decided how best to educate Indian children with limited resources and assistance from area offices.

SPECIAL REPORT ON INDIAN COMMUNITY CONTROLLED SCHOOLS

"Unfortunately, for much of the last hundred years, we have not been free, in the ultimate sense of the word, and thus we have not been able to exercise our responsibility. However, the situation of our young demands that we attend to their educational needs. We know that the development of our children must be not only the responsibility of the school, but also of parents, relatives, and the whole community. It must be a joint responsibility, as it is among all other Americans. Such a setting can only be provided by Indian controlled schools." [1]

The above statement reflects a new movement in Indian education, which began in 1966 with the Rough Rock demonstration school on the Navajo reservation and took on rapid expansion in the 1970's. These groups have banded together through the Coalition of Indian Controlled School Boards and are one of the most important thrust in the education of Indian children today.

"An Indian controlled school is defined as a school whose policy setting management is carried out through a duly elected school board composed of Indian people from the community which the school is serving. The heart of control of a school is that the Board is managing every aspect of a school system, including the funds that a school system received.[2]

According to the Bureau of Indian Affairs, there are 15 Indian controlled schools, serving 4,078 students, and receiving funds from the Bureau.[3] The Bureau statistics describe those schools on reservations which are under contract. Whereas the list submitted by the Coalition of Indian Controlled School Boards reflects contract schools on reservations, public schools on reservations, and private schools both on the reservation and in urban areas. It is important to note that the Bureau uses one set of guidelines in moving schools toward control (Public Law 638) and the U.S. Office of Education uses the Part A set aside of Title IV, the Indian Education Act in funding such schools.[4] The BIA states that its relationship to Indian controlled school boards is on the basis of contracted agreements with the corporation. They negotiate contracts on the basis of the corporation's guarantee of educational systems which will meet state standards in all areas of opera-

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[1] Philosophy of Indian Education, CICSB, July, 1976.

[2] Unpublished Hearings of Task Force #5, Washington, D.C., June 21, 1976, CICSB Statement, Part II, p. 1.

[3] Survey of potential eligible Indian students throughout the United States, National Indian Training and Research Center, February, 1976, p. 25–26. The BIA lists one set of schools as Indian controlled, and the CICSB lists another. For a review of these see Appendix M.

[4] Title IV, Part A set aside reads as follows:

In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

page 256 blank.

tion. Funds are monitored in accordance with contract and budget; cost reimbursable, and reports are submitted on a monthly basis.[5]

Title IV, Part A Set Aside, contracts with the Indian controlled schools on a discretionary basis based on the proposals submitted. These programs have been limited by the 10 percent set aside based on the budget for Part A of the Act.

Based on testimony received from the BIA and USOE, limited technical assistance has been given to the schools in the area of contracting, school facilities planning, and school board training.

In fiscal year 1975, the BIA developed both a secretarial and presidential objective concerning school management options. The objective was as follows:

> By the end of fiscal year 1975, at least one fourth (50) of the Bureau schools, by official action of a tribal or Alaskan village government, a choice of the management system will be made by those served by the schools.

According to the Bureau, this objective is a direct thrust in implementing the policy of self-determination. At the heart of this policy in education is the control of schools. Three items provide such control. These are budget, personnel, and curriculum.[6]

In June, 1974, contracts were awarded to two Indian research and evaluation firms[7] to monitor BIA's progress in implementing the objective. The findings from this survey reflected "generally apathy, disinterest, confusion and misunderstanding of the natives" behind this management objective. It further noted that only a few Indian groups were far enough along in their thinking and local planning to make a decision. Most people preferred to wait and see.[8] The report concluded, "there seems to be a notion at the top levels of BIA management that tribes are really interested in contracting. We could find virtually no evidence of this in the tribal groups and individuals contacted."[9]

During the entire time that the Education Division was seeking to implement its objective of 50 schools under Indian management, the Coalition of Indian Controlled School Boards and its membership were not contacted. In fact, a copy of the objective had to be bootlegged to them. Clearly, the schools and individuals who were the driving force behind community control were virtually ignored. Yet, their records indicated many, many schools and organizations interested in assuming control.

The Task Force on Indian Education made a special effort to visit some of these schools and to solicit hearing testimony from them. Their own words best describe their activity.

> Borrego Pass School, of which I am Principal and chief administrative officer, is an "Indian Controlled" school, operated under contract with the Bureau of Indian Affairs by an all Navajo School Board elected by the two Navajo communities, which the school serves. For fiscal year 1977, the school has received notice of intent to fund Grants under Title IV, Parts A and B (Indian Education

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[5] Excerpts from materials submitted to the House Subcommittee on Elementary, Secondary, and Vocational Education, March 1976, p. 3.

[6] Research and Evaluation Report Series No. 29.07. Control of Indian Education in BIA Schools—A Progress Report, September–January 1975, p. 10.

[7] These firms were National Indian Training and Research Center, Tempe, Arizona, and Underwood Research and Evaluation, Tulsa, Okla.

[8] Evaluation Report of the Presidential/Secretarial Objective, School Management Options Available to Indian People, National Indian Training and Research Center, and Underwood Research and Evaluation, April, 1976, p. 11.

[9] *Ibid.*, p. 17.

> Act of 1972), but has not yet received formal Grant Award documents for these Grants. It has also received notice of intent to negotiate funding under the Johnson-O'Malley Act, under a sub-contract with the Navajo Tribe (Prime Contractor for the Navajo Area in fiscal year 1977), and has negotiated, but not yet received confirmation from BIA Central Office regarding approval of a contract under the BIA operated Title I (ESEA—now P.L. 93-380) Program. The main operating contract (under Public Law 93-638) has been negotiated with reference to overall budget, separation between direct and indirect costs, and provisions for use of letter of credit procedures beginning in fiscal year 1977. Final agreement on contract language in keeping with the new regulations under Public Law 93-638 appears to be imminent, although we may not know of some issues until we actually receive a completed copy of the contract for signature.
>
> The point of this recital is to provide concrete examples of how "down to the wire" we are with regard to funding for our program, from each of five different sources, for the upcoming year. It is now 9 days from the close of fiscal year 1976, and we still do not have an official, legal notice from a single one of the federal agencies upon which we are totally dependent for our existence, regarding our program on the 10th day hence. And, for all we know for certain, any one of our major funding sources could still "back out on us," despite verbal commitments, telephone advisement, etc.
>
> The principal liabilities which this annually recurring situation creates for us are two: First, we are just now (on the strength of negotiated verbal agreements reached within the last two weeks, and telephone contacts with USOE Contracting Office personnel) able to enter the labor market in search of the new, and turnover, personnel we will need in July (or August, our latest date for starting any position is August 9). Public schools have been hiring new personnel since March. Second, we have no idea how long it will be before we receive our initial payments under the new year's contracts and/or grants. In the past, we have had to wait up to 90 days, although fiscal year 1976 delays have been less. Still, any delay after July 1 is a cash-flow crisis for us. We have no working capital of our own and cannot legally borrow any, since none of our income sources can be used to pay interest. However, we are still obliged to pay our year-round staff, and to keep up with regular lease payments, utility bills, and all of the other normal costs of "living" for a school. And within five weeks, we will have a full staff to begin paying.[10]

The example cited by Borrego Pass concerning administrative bungling and financial runaround was cited over and over again by the various schools under Indian control.

Rough Rock, the first Indian controlled school, which is now ten years old had this to say:

> It is June:
>
> The BIA contract is not signed. We have no idea what our budget for fall will be. No teacher is certain that his/her job will be funded. No money has yet arrived to fund the clinic, our arts and crafts co-op is locked. The curriculum center will stay open half-time because there is no money. There is no capital to produce its product, or to train apprentices in writing, editing, and printing. Our summer school is severely limited in its offerings and staff size, relying heavily on volunteers.
>
> This is the way it is at Rough Rock. We expect a crisis a month, and we are never disappointed.
>
> The system we operate under would defeat the President of General Motors.
>
> The system is a monumental fake and hoax. It is a political game in which the community or school that refuses to lie down and die wins just enough to stand up for the next punch.[11]

As noted earlier in this report, the Bureau of Indian Affairs sent a memorandum concerning contracting for Indian control of education out in May, 1974. Mrs. Gloria McCullough of the Potawatomi Indian School graphically related to the Task Force their experience concerning it as follows:

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[10] Unpublished Hearings of Task Force #5, Washington, D.C., June 21, 1976, p. 153 ff.

[11] Unpublished Hearings, Washington, D.C., Statement submitted by Ethelou Yazzi, Director, Rough Rock Demonstration School, p. 311 ff.

> Earlier in my testimony before the Task Force, I have detailed the history of our efforts to begin educating our own children in Hannahville. Fortunately, we were able to secure a state appropriation to support our educational efforts during the 1975–1976 school year. At this time, there is pending before the Congress a request for an add-on appropriation of $175,000 for the Hannahville Indian School which would support our educational efforts during fiscal year 1977. We are hopeful that that legislation will be passed and approved by the President.
>
> I have also discussed the deficiencies which we perceive in the P.P.E. Band Analysis budgetary process used by the Bureau of Indian Affairs. After having relied upon our participation in that process as the appropriate means in obtaining initial federal funding for our school during fiscal year 1977, we have now learned that school operations, as a Bureau of Indian Affairs function, is not an item which is included in the Band Analysis budgetary procedure. We do not know the appropriate method for inclusion of school operations funds (for previously private school and other schools controlled by Indians) in the federal budget. Moreover, we do not have a clear understanding of how to see that budget requests for the continuing operation of such Indian controlled schools will be made on a regular basis in the future. To date, it has been essential for Indian tribes to participate in the legislative process to secure an add-on appropriation for each year that congressional support has been authorized for Indian controlled schools. Such testimony and the travel incident thereto is difficult and expensive for Indian controlled schools. Moreover, it is an inefficient use of congressional time and hearing.
>
> As a result of our experience in seeking an add-on appropriation for fiscal year 1977, we strongly urge that the Task Force and the Commission recommend to the Congress that legislation be passed which would assure continuity in appropriations for the support of Indian controlled schools. We understand that Senator Abourezk has such legislation in mind. Having no local tax base whatever, Indian tribes and their school boards should not have to wait until September or October of each year to learn whether sufficient funds will be available from the federal government for operation of their schools.
>
> In addition to seeking continuity of funding for Indian controlled schools operated with funds under Public Law 93–638 or under contract with the Bureau of Indian Affairs on some other basis, we urge that the process of establishing an entitlement to such funds be regularized. In order to obtain B.I.A. support for our efforts in seeking federal funding, it was necessary for us to reply by petition to a January 9, 1975, memorandum from then B.I.A. Education Director Clennon Sockey to Area Directors. That memorandum sets forth criteria for assessing whether the Bureau would assume responsibility for the education of Indian children withdrawn from public schools. It is our view that the petition submitted by the Hannahville Indian Community on June 15 and September 5, 1975, established clearly the entitlement of the Hannahville Indian Community to Bureau assumption of educational responsibility for its children. Commissioner Thompson apparently agreed in his January 29, 1976, letter assuming partial responsibility for the operation of the Hannahville Indian School during fiscal year 1976 and making available $20,000 of Bureau funds for the Hannahville transition program in elementary education. We consider that letter to be a determination of our entitlement to federal support for the education of our children.
>
> Our effort to establish a school was blessed with responsive support from Mr. Paul Melchoir in the Minneapolis Area Office of the Bureau of Indian Affairs. Accordingly, we had an advocate within the Interior Department. Many Indian tribes establishing schools controlled by Indians in the first instance, however, will not have such support within the Bureau. Accordingly, we feel that it is essential that the criteria set forth in the Sockey memorandum, if generally considered valid by Indians and Indian tribes, ought to be published in the form of regulations. In that way, a clear procedure for the establishment of Indian controlled schools and the assumption of federal funding responsibility for them could be accomplished. Any such regulation should include specific procedures for the bureau's decision on assumption of responsibility for

> Indian students withdrawn from the public schools. These procedures should be spelled out clearly and include time limits for bureau action so that tribes may establish such schools in an orderly fashion and with an ability to rely on federal dollars for the education of their children. Indian people who determine that it is essential to educate their own children should not be required to operate schools on contributions, specially appropriated state funds, or on a shoestring in home living rooms and church basements.
>
> It was through different policies of the public school system in our area that the Hannahville Education Committee decided our children were not receiving an adequate education due to the suspension policy that our school district had. In April, a Band Analysis was submitted to the BIA, listing the council's five priorities that were equally important. Education happened to be listed third or below and therefore it was dropped off the Band Analysis for inclusion in a request to the Washington Office for a contract school for this year. We were not even aware that our school contract money was not in their recommendations for O.M.B.[12]
>
> It is apparent from this incident, that even though the interest is there, it is not showed by the bureaucracies.

The beauty of bilingual and bicultural education which is a part of the Indian community controlled schools was also described for the Task Force. Mrs. Dorothy Small, member of the Rocky Boy School District No. 87, of Montana stated, our school district is "unique in many ways. We pride ourselves on having an official school board policy of biculturalism and bilingualism. This means that we give equal treatment to the culture and history of our Chippewa Cree Indian people, as well as that of the United States of America. Our people believe that control of education is a natural and inherent right. It is this work which has caused the dropout rate of our schools to be less than 2 percent." [13]

The Busby School in Montana also operates a bilingual and bicultural program. The heart of their school's philosophy is as follows:

> We, Northern Cheyennes, believe that a good education will provide children with confidence, self-respect, and the freedom of choice which will make them happy.[14]

Busby School Board members presented an independent evaluation, which had been completed regarding their school. It indicated that by all standards the developments under Indian control were an educational phenomena. The evaluators reviewed the criteria developed by the school on philosophy, personnel, programs, and community participation, and concluded that the "School Board and Administration have together provided the kind of leadership essential to systematic growth and progress." The only area of need reported was the inadequacy of the school facilities. As the task force testimony revealed, the School Board had been petitioning the Congress on this area since its beginning in 1972.[15]

The Menominee Community School whose students were the push-outs from public school summed up what they were trying to instill in young people as follows:

> There is a mean cruel world waiting for Menominee youth out there and they must be taught to cope with that world. A return to basic Indian values can teach Menominee children to cope with that world, earn a livelihood, feel good about

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[12] Unpublished Hearings of Task Force #5, Oneida, Wisconsin, March 17, 1976, p. 64-68.
[13] Unpublished Hearings, Task Force 5, Washington, D.C., p. 345 ff.
[14] Unpublished Hearings, Task Force 5, Washington, D.C., p. 342 ff.
[15] Needs Assessment 1975: A Report to Busby School District, University of Montana, Division of Educational Research and Services, January 1976. PLAN—Meeting Individual Needs, Busby School, Busby, Montana.

> themselves while being Indian and perhaps even teach the rest of the non-Indian world that (sic) what life and living is all about.
>
> There is a need for Menominee children to be who they are to the fullest extent possible.[16]

It was patently clear from their testimony that many of these Indian controlled schools simply do not have adequate physical facilities. Further, adequate funds for purely administrative and educational functions are woefully absent. These schools are educationally successful under the most adverse conditions, financewise. Every representative stated unequivocally that their main problem was money and negotiations for money.

Since these schools are independent units and not part of a larger system, each school must provide all the services necessary for its operation. Of course, this makes their budget requests seem large when compared with, let us say, a BIA school, which is part of a larger system. The larger system, of which the individual Bureau school is a part, provides services which usually is not included in the budget of the individual school. It appears to the task force that cost per pupil in the Indian controlled schools is no more than for Indian pupils in the larger systems, if all the "hidden" costs are figured in cost analysis for schools of the larger systems. Add to this point the fact that most of these Indians controlled schools are located in "out of the way" areas and one has to admire their financial efficiency and frugality. This efficiency must more than make up, moneywise, for the "experimental" nature of their endeavor.

It was, however, the negotiations for money, which seemed even more frustrating and disconcerting than the inadequacy of funds. Time after time, these representatives presented to the task force horrendous story after story of what appears to be the gross bureaucratic inefficiency, bungling, stalling, and even subversion. Their proposals were lost; they were misinformed; verbal promises were broken; and the like. Negotiations dragged on and on. As illustrated by testimony, several schools have had to begin their school year not knowing what funds were "on the way" or even if any would be forthcoming. In any case, all the representatives who spoke to us communicated a deep sense of frustration and violation. Further, they felt a kind of immorality involved in the whole situation. They do not like to compete with other Indians for scarce resources, and they do not like to be put in the position of having to write "slick" proposals in order to "sell" their school. They want to be judged on their merits, not on their salesmanship.

They feel they must have adequate and long-range base operational funds. They would like some predictibility over supplemental funds. Some representatives even felt that as Indian controlled schools increased, there might be a need for regional centers which dispensed technical help and information.

As stated earlier, the representatives focused on their difficulties and tended to take their success as a given; so they rarely presented us with direct evidence of their success as educational bodies. But, there is both indirect and direct evidence, which would indicate the successful nature of their schools.

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[16] Fred Sanderson and Andy Pyatskowit, Indian Cultural Values, undated paper, submitted for Hearing Record of Task Force #5, Green Bay, Wisconsin, March 17, 1976.

First, we are assuming that the representatives of these schools have children and younger relatives in attendance there. They would be extremely strange Indian communities if this were not the case. These representatives were uniformly pleased with the educatiton their young were receiving in their school. Further, these representatives were deeply involved in their schools. They must put in a great deal of work and worry for very little tangible reward. We can only conclude that they are willing to make such a sacrifice because they think these young people are getting a good education.

Second, the drop-out rate in several schools has declined sharply. Last year, the drop-out rate at the Rocky Boy's School was only 2 percent. By and large, the drop-out rate is lowest in those schools which have been under Indian control the longest and which emphasize Indian history and culture; in other words, these schools which are the most mature as community institutions have the lowest drop-out rate. We can only conclude from this kind of evidence that students are remaining in school for some positive reasons important to them personally. We assume that at least one of those positive reasons is a good education.

Several representatives felt that the principle of accountability was important to both the local people and the federal government, which funds their school program. However, they were universally opposed to using standard achievement test scores of students alone as an index of their school's performance. They questioned whether academic excellence was the only factor in a good education. Indian controlled schools are comparatively new. Most Indian students now in those schools spent many years previous to this time in public, government, or mission schools. Thus, Indian controlled schools are still burdened with a long history of over institutionalization in the experience of many of their students. It may take years to overcome the resentment of students toward a personally stifling milieu in their past.

Significantly, it is implicit in the testimony of the representatives of Indian controlled schools that their communities are not just in the 'education business' in the narrow sense, but are using the school both to educate their whole community and to reconstitute it.

The education, by virtue of participation, in the affairs of the school, of the people who appeared before us was obvious and striking. The leaders of these schools are competent, confident people who knew what was involved in the running of a modern educational institution. They are educated in the ways of the wider society as well as being firmly rooted in their own culture.

The reconstitution of community life by using the school as a focal point is not unheard of in American life. The southern Irish who immigrated to America in the 1850's are such a group. The Irish were a subject people in that era with little experience in acting in their own behalf in organized institutions. After a disastrous famine and severe repression by British authorities, they migrated under dire conditions, to eastern American cities. The disorganization and disorientation brought on by the famine, the repression, the emigration and the lack of familiarity with urban life created spectacular social ills among the Irish in the American city slums—crimes of violence, drunkenness, family breakdown, and the like. However, with the help of and sanction of the Catholic Church, the Irish established neighborhood parochial schools around which they began to reconstitute and stabilize their communities. As their social life began to right itself, the Irish began to create new institutions (such as youth groups) and take over more established institutions (police departments). As is well known, their next move was to take over certain skilled trades and unions, and finally the political systems of several northern cities. With their place in the American system secure, many Irish began then to move into the middle class professions and businesses.

The case of American Indians is analogous. American Indian peoples were subjugated over one hundred years ago. Their native institutions disappeared as outside administrators controlled and decided their affairs. Like the southern Irish of 1850, they entered the modern era fairly inexperienced. Further, for one hundred years, the agencies of the powerful conquering American society have attacked and hammered away to discredit their culture, their elders, and their peoplehood. The end result has been a profound social breakdown in many Indian communities. Like the Irish in the slums of American cities in the last century, they exhibit many of the same social ills—juvenile crime, family breakdown, drunkenness, etc. Much like the Irish, those Indian communities fortunate enough to have control of their schools are trying to reconstitute their social life around the school. The attitude of the Indian controlled schools made this process fairly clear to us.

In their testimony and especially in their submitted written reports, these leaders are very concerned with Indian history and culture, and Indian language. Much of this concern must simply be their desire to see who they are as a people reflected in their children's education. But much of such concern seems to be an effort to have the traditional teachers, the elders, involved in their school as competent people fulfilling a modern and functional role there. Of course, nothing would sanction an Indian school more than the presence of Indian elders, men of the highest social and moral prestige. Thus, nothing could be core functional, indeed, if one were in the business of reconstituting one's community around the school. It is true, as modern educators have shown, that Indian culture and history as part of the school curriculum does, in fact, create a more positive self-image in Indian students. Like the American Irish of the last century, they are trying to reconstitute their communities around the school as an institution.

Many times the representatives of Indian controlled schools in their testimony or written submissions commented on the fact that they have had a low drop-out rate in their school; how interested their students were in Indian history and culture; how their community did not show the social ills of other areas or how the incidence had gone down; how proud they were of their school and their children; and so on. Always, their comments had the implication that their school was in the business of education in the broadest sense of the word, and, ultimately, in the business of sewing back together their social life. Once again, this process is most pronounced and complete in the "oldest" Indian controlled schools where these same schools emphasized Indian culture and history. The community and the school have grown together and these communities are indeed winning the battle to reconstitute their own existence.

The impact of the movement towards Indian control is the most significant development on the Indian education scene today. Yet, as illustrated by the testimony, the problems faced by these schools represent a compounding of all the problems faced by other schools. In some areas complete facilities had to be organized from scratch to obtain water, electricity, buildings, housing, administrators, teachers, supplies, materials, food, and transportation. Roads from the homes to the schools, in many instances, are like washboards made of hard rock. The school becomes a focus where all people can meet and their activity can take place. The concept of these schools is reminiscent of the community day schools under education director Williard Beatty. A major difference of real significance is that these are Indian controlled and operated schools.

The Coalition of Indian Controlled School Boards, the guiding force for Indian community control, pinpointed a number of realities about these schools. They noted that there are three levels of obstacles to Indian control of schools. These are as follows:

1. The long range policy of assimilation and with it the effort to move Indians into public schools as rapidly as possibly.

2. Particular policy eras and principles oriented towards respect and utilization of Indian culture.

3. Restrictions organized by federal officials like rules, regulations, and priorities to implement policies.[17]

All of the obstacles serve to undergird unclear and surving policies of expediency. The Coalition called for a new policy which "states specifically a philosophy of local control of education by American Indians and offers new guiding principles for dealing with the concept." [18] They stress that this policy must have the following components:

1. A policy and philosophy of Indian control.

2. A clear financing package of basic and supplemental monies directed to Indian community control schools which is stable and consistent.

3. Direct funding to Indian community control school boards rather than tribes.[19]

In addition, the Coalition stressed the need for organized materials and curriculum centers which utilized Indian educators, including cultural resource leaders, to develop materials which are sensitive and accurately portray American Indian traditions and culture.

The Task Force finds that these Indian community controlled schools are the most significant education system for Indians today. They are restoring the self-image and interest in learning among Indian young people. They are lowering the drop-out rate and restoring responsibility and discipline among our young people. They are graduating young people who have solid basic skills and a good feeling about themselves and their heritage.

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[17] Unpublished Hearings, Task Force No. 5, Washington, D.C., p. 377 ff.
[18] *Ibid.*
[19] *Ibid.*

The Task Force believes that this system of Indian control, which began as an "alternative educational system," is the pioneer for what many Indian communities need—a community school which can educate not only young but all the people in the community.

Congress must move quickly to assure the sustaining and expansion of these schools by direct and adequate basic and supplemental funding as an immediate policy.

As a long range goal, the policy and philosophy of Indian community controlled schools must be made available to all Indian tribes, groups, and people. In light of the Task Force findings, which indicated a significant number of Indian communities interested in controlling their own schools, it seems incomprehensible that the Bureau of Indian Affairs did not identify 50 schools interested in Indian control in fiscal year 1975.

Special Study on Higher Education

EARLY HIGHER EDUCATION FOR AMERICAN INDIANS

The earliest efforts in America to provide Indians with higher education were set upon Christianizing and civilizing the Indian. He was to be totally acculturated into the white world and turned against his own culture, which was regarded as the "devil's work".[1]

The earliest attempts to provide advanced training in the Christianization and civilization of Indians occurred when King James I, on May 24, 1617, called on the Anglican clergymen to collect money for "the erecting of some churches and schools for ye education of ye children of these barbarians in Virginia." The following year, 10,000 acres were set aside at Henrico for the erection of a "college for children of the infidels." Unfortunately, because of a massacre of colonists, the first proposed college for Indians was not realized.[2]

Education of Indians was included in the 1650 charter of Harvard College. Money was donated, and an "Indian college" building with a capacity for 20 was erected in 1654. However, by 1666, Harvard gave up its attempt to educate Indians and converted the "Indian college" into a dormitory for white students.[3]

The charter of William and Mary College dated 1691 also included a section on the education and conversion of Indians, and in 1724, the Brafferton Building for Indians was built on the campus.[4]

Not only was Indian higher education provided for by private and state institutions, the Journals of the Continental Congress in 1775 discussed the education of Indian youth in the following manner:

> (There is) a seminary for the instruction of Indian youth, which has been established under the care of Dr. Wheelock on the Connecticut River, and as there are nine or ten Indian youth at that school, chiefly from the tribes residing in Quebec; and, as for want of a proper fund, there is danger that these youth may be sent back to their friends, which will probably excite jealousy and distrust, and be attended with bad consequences.
>
> *May 10, 1775.*—(Resolved) that the Commissioners for Indian Affairs in the northern Department, be authorized to receive out of the continental treasury, a sum not exceeding five hundred dollars, to be applied by them for the support of the Indian youths.
>
> *September 19, 1775.*—As it may be a means of conciliating the friendship of the Canadian Indians, or, at least, of preventing hostilities from them in some measure, to assist the president of Dartmouth College, in New Hampshire, in maintaining their youth who are now there, under his tuition and whom the revenues of the college are not, at this time, sufficient to support; that, for this purpose, five hundred dollars be paid to the Reverend Dr. Eleazer Wheelock, president of the said college.[5]

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[1] Helen Scheirbeck, "History of American Indian Higher Education," unpublished paper.

[2] Martha E. Layman, "A History of Indian Education in the United States," University of Minnesota: Ph. D. Dissertation, 1942.

[3] Helen Scheirbeck, "Highlighted Chronology of American Indian Higher Education," unpublished paper.

[4] *Op. cit.*

[5] Kathleen Garret, "Dartmouth Alumni in the Indian Territory," The Chronicles of Oklahoma, Vol. XXXII, Oklahoma City, Oklahoma: The Oklahoma Historical Society, 1958, p. 123.

Dartmouth College, built largely with funds collected through the efforts of a converted Indian provided, utilizing the "Scottish Fund", higher education for a total of 58 Indians from 1769 until 1893. Several members of the Five Civilized Tribes entered Dartmouth in 1838 and in 1854, Joseph Folsom, a Choctaw, received a degree. In all, 12 Choctaw or Cherokee utilized the "Scottish Fund" for education at Dartmouth.[6]

While Dartmouth was educating 12 members of the Five Civilized Tribes, the Cherokees and the Choctaws by themselves organized "a system of higher education which had more than 200 schools, and sent numerous graduates to eastern colleges." Ironically, when the Federal government became involved in the late 1800's, this academic system collapsed.

In a treaty of October 18, 1820, there appeared a specific provision for education creating the Choctaw School Fund, which provided for ceding a section of Choctaw land to the United States government which would subsequently be sold and the proceeds would establisn a fund for Choctaw schools. There was, however, no provision for higher education. In 1830, the Treaty of Dancing Rabbit Creek set aside $10,000 for education of 40 Choctaw youths. The first official use of the provisions allowed under this treaty occurred in 1841 when authorization was given to Indian boys to be educated at Ohio University, Jefferson College, and Indiana University. The next reference to higher education within the Five Civilized Tribes is found in the 1842 Report of the Commissioner of Indian Affairs in which there is a request for the admission of ten Chickasaws to Hampton.

The report of the following year mentions the education of 20 Choctaw boys; ten at Asbury University and ten at Lafayette College. It should be noted the Secretary of War chose these institutions; however, in 1853, a law was passed authorizing control of the education fund by the Choctaw Superintendent and trustees, subject to consent of the President.

Various members of the Five Civilized Tribes established seminaries, which were regarded as being at the level of institutions of higher education. These institutions were the first of their kind west of the Mississippi in the 1840's.

The first "university" in which Indians would play a large part was proposed in 1862. As was the case at Harvard, the Ottawa Indian University of Ottawa, Kansas was more of a dream than a reality. The Ottawas never received the promised institute of higher education because they were removed by the government to Oklahoma in 1873.[7]

Concerned over the lack of educated clergy needed to convert Indians, the Baptists founded Bacone College on land granted by the Creek Tribe in 1880. The first class had three students, but by the end of the year, 56 students had enrolled. In the beginning, the grades ranged from fifth to a high school course, even though the school was called a university (perhaps at the time, more a hope than a reality).[8]

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[6] *Ibid.*, p. 129.

[7] Helen M. Scheirbeck, "Highlighted Chronology of American Indian Higher Education," unpublished paper.

[8] Helen M. Scheirbeck, "The Educational System of the Five Civilized Tribes 1815–1915," (draft). Indian Education project prepared for the John Hay Whitney Foundation, New York, April 9, 1975.

In 1887, the North Carolina Legislature established a Normal school for the training of the "Eastern Cherokee Indians residing in Robeson County and the surrounding area in North Carolina." This school, while organized as a segregated institution for Indians, has grown over the years to become Pembroke State University.[9]

Indians who attended universities in the 18th century and the early 19th century studied the same subjects as the white students. George Washington commented on this point:

> I am fully of the opinion that this mode of education which has hitherto been pursued with respect to these young Indians who have been sent to our colleges is not such as can be productive of any good to their nations. It is perhaps productive of evil. Humanity and good policy must make it the wish of every good citizen of the United States that husbandry, and consequently, civilization, should be introduced among the Indians.[10]

This statement, as indicated by subsequent government actions or rather inactions in regard to higher education among the Indians, sets forth the philosophy that was to prevail up to the 1930's, and intermittently beyond the 1930's into today.

Although this philosophy continued well into our own century, and there was no significant effort on the part of the government to encourage higher education among Indians, Hampton Institute to which the government sent federally funded students did, in 1919, offer some Indians higher education.

Hampton Institute, a Normal and Agricultural Institute, between 1878 and 1924 (when federal funding was discontinued) was originally organized to serve the Blacks. The school accepted nearly 1,400 Indian students during this time. Beginning in 1919, college level instruction was offered with over 200 Indians receiving a junior college education before Indian students were phased out.

Other than the example of Hampton, one can find in the annual reports of the Commissioner of Indian Affairs, few efforts by the Federal government to involve Indians in higher education. In one, the government sent 20 students to two universities.[11] These reports also list two or three other occasions in which only three or four Indians were selected by the government to attend college.[12]

Other than these examples, no federal efforts on behalf of higher education for Indians are indicated.

ALLOTMENT AND INDIAN HIGHER EDUCATION

The Dawes Severalty Act of 1887 (commonly known as the Allotment Act), in an attempt to remove Indians from their culture and train them to become farmers and machinists, created the boarding schools of which Carlisle was the prototype. Unfortunately, this was the beginning of the continual downgrading of higher education for Indians.

Carlisle Indian School which was never more than elementary school offering courses in agriculture, mechanics, and nursing with half the student's day spent in industrial training and working on the school's farm, and Haskell Indian School established in 1884, were the classic examples of the federal government's attempt at post-secondary education for Indians.

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[9] Op. cit.

[10] Brewton Berry, "The Education of American Indians, a Survey of the Literature," Columbus, Ohio: Ohio State University, December 1968, p. 88.

[11] "Annual Report of the Commissioner of Indian Affairs," Washington, D.C.: Government Printing Office, 1843–44, p. 114.

[12] "Annual Report of the Commissioner of Indian Affairs," 1886 and 1887.

The early emphasis at Haskell was on English language and vocational skills, with a missionary spirit toward the creation of "good citizens".[13]

By 1894, Haskell was training teachers in a Normal Department and the following year, a Commercial Department was created to offer business training. The Agriculture curriculum had expanded and a Trades Department was added. A secondary curriculum was state accredited in 1927.

The Meriam Report of 1928 documents the inadequate attention given by the Federal government to Indian education. The report also noted the need for furnishing scholarships and loan aids for Indian higher education.[14]

The impact of the Meriam Report prompted the President to order his Secretary of the Interior to organize a National Advisory Committee on Education from which issued a 1931 report adding to the weight of the Meriam Report.[15]

The new Commissioner of Indian Affairs, John Collier, began in 1933, a major effort to change federal policy toward education of Indians. The efforts were culminated in the Indian Reorganization Act of 1934, which as well as encouraging tribalism, indigenous curriculum and Indian self-determination, included the authorization of loans to Indians for tuition and other expenses in recognized colleges. It was at this time (1935), as well, Haskell High School graduates were being actively recruited to remain and begin post-high vocational study.[16]

Between the years 1937 and 1944, constant friction existed between Commissioner Collier and the legislative branch's Indian Affairs Committees. The Congress felt Indians should be taught to develop and succeed as citizens off the reservation. In 1952, loans to Indian students authorized in the Reorganization Act of 1934, including those for colleges, were discontinued.

Because of the shirking of federal responsibility toward Indian education, these communities turned to the states to work through state university extension divisions to establish educational centers on the reservations. The movement was not successful.

World War II veterans also kept alive the fight for Indian higher education by utilizing their privileges for education under the G.I. Bill.

The federal philosophy of termination was introduced in 1953 by the passage of Public Law 280, which prepared the legislative base for the "termination policy" by transferring to the states, federal responsibility for maintaining both civil and criminal jurisdiction on certain reservations. House Concurrent Resolution 108 called for the end of federal supervision over Indians, making them subject to the same laws and responsibilities as other citizens. This resolution was viewed by many Indians as the "complete abdication by the government of its responsibilities to the Indian community."

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[13] Loretta M. Granzer, "Education at Haskell Institute 1884–1937," University of Nebraska: M.A. Thesis, 1937, p. 27.

[14] Lewis Meriam, "The Problem of Indian Administration" ("The Meriam Report"), The Institute for Government Research, Washington, D.C., Baltimore, Maryland: The Johns Hopkins Press, 1928, pp. 419–420.

[15] Helen M. Scheirbeck, "History of American Indian Higher Education," unpublished paper.

[16] *Ibid.*

In reaction to this policy, the Fund for the Republic established a Commission on Rights, Liberties and Responsibilities of the American Indian in 1957. The Commission assessed Indian needs, and in January of 1961 issued "The Indian—America's Unfinished Business," a document which recommended Indian involvement in and determination of programs affecting their lives, and asked for adequate scholarships, grants and loans for higher education.

WAR ON POVERTY AND HIGHER EDUCATION

With the passage of the Economic Opportunity Act of the Johnson Administration's "War on Poverty," new programs were implemented to aid Indian higher education such as Upward Bound, and Indian Community Action Programs to which can be traced the Indian-controlled and culturally oriented community colleges.

This was also the period in which Upward Bound began identifying and ass[illegible]g a number of Indian students at the junior high level prepare for [illegible]ge entrance. A special counseling, tutoring, and identification and [illegible]ssisting program called Talent Search also began to be funded to Indian tribes and organizations. This increased federal interest and commitment to "disadvantaged" students worked to the advantage of many Indian students by opening new opportunities and financing for their future.

Scholarships

This was also the era in which the BIA scholarship assistance in 1963 was for $650,000 and was more than doubled in 1964 to $1,150,000.[17] The chart on the following page represents the phenomenal increase of reservation Indians who received grants from the Bureau of Indian Affairs.

Table 1.—SCHOLARSHIP GRANT SUMMARY, BUREAU OF INDIAN AFFAIRS

Fiscal year	Number grantees	Number graduates	Number 4-yr program graduates	Advanced degrees graduates	Number of dropouts [1]	Percent of dropouts	Average grant [4]	Total amount granted
1965	1,718	121	121	....	321	18.6	713	$1,225,600
1966	1,949	131	120	....	355	18.2	752	1,464,778
1967	2,358	147	146	1	411	17.4	811	1,913,320
1968	2,660	181	171	10	439	16.4	863	2,295,000
1969	3,432	241	240	1	494	14.4	868	3,100,000
1970	4,271	286	275	11	625	14.6	882	3,848,000
1971	6,623	345	332	13	954	14.3	907	6,098,000
1972	12,438	652	580	72	1,665	13.7	1,217	15,248,000
1973	13,558	1,000	900	100	1,820	14.0	1,400	20,956,000
1974	13,500	1,300	1,150	150	1,890	14.0	1,650	22,556,000
1975 [2]	15,500	1,500	1,350	175	2,170	14.0	2,067	32,045,000
1976 [3]	16,000	1,600	1,400	200	2,240	14.0	2,000	....

[1] Represents only those dropping out during the year.
[2] Based on total budget, including administrative amounts.
[3] Includes administrative amount.
[4] Estimates.

Source: Office of Education, BIA.

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[17] Early BIA authority and appropriations for higher education is traceable to Indian Opportunities Acts (See Appendix J) and the Indian Reorganization Acts, Section 471. BIA used the quarter blood requirements as a means for identifying students for service.

The decade of the 1960's and early 70's increased federal assistance to all college students. Work-study, educational opportunity grants (now called basic educational opportunity grants), state educational opportunity grants, and various loan programs appeared to be a boon to Indian students. Initially, all these student assistance programs were institutional based and dependent upon the student's economic need. What happened during this decade was either a run-around or stalling period, between the local financial aids officers at colleges and universities and Bureau of Indian Affairs scholarship officers.

One of the representatives of a national Indian scholarship organization described the situation as follows:

> When we speak of the Indian undergraduate suffering from the ignorant assumption by non-Indians and especially finance office aides at the universities and colleges that BIA fulfills the entire educational needs, we are speaking of discrimination against eligible Indians in favor of low income groups, other minority groups who are larger in number, more vocal and aggressive. Who wouldn't be frustrated in the knowledge that as little as 0.4 percent of all EOG funds were awarded Indians.[18]

In an earlier section of the Task Force Report, Basic Opportunity Grants Program staff indicated that since they do not keep records based on race, they do not know how many Indian students receive these grants.

The Departments of Interior and HEW have been in the process of defining the use of BIA scholarship assistance and USOE student assistance for three years. In the meantime, Indian students face a standoff. Even though the Basic Opportunity Grants Program is now directed towards individual students, it appears that dissemination of this information and assistance in submitting the applications work to the detriment of Indian students.

For reservation Indian students the Bureau of Indian Affairs recently charted the increase from 1967 to 1975. It appears on the following page.

Table 2.—PERCENTAGES OF INCREASE FOR NUMBER OF STUDENTS FROM 1967–75

Class	Number of students, fiscal year 1967	Average yearly increases (percent)	Number of students, fiscal year 1975	Total yearly increases (percent)
Freshmen	1,271	34.0	9,000	272.3
Sophomores	518	32.6	3,300	260.9
Juniors	301	26.5	1,350	212.0
Seniors	255	21.0	1,000	167.8
Graduates	13	93.5	850	748.3

Note: Averages adapted from the table of: IERC/DCE/Higher Education Feb. 11, 1972; revised, Mar. 15, 1973; revised, Dec. 16, 1974.

American Indian students not under the BIA have no one to keep statistics concerning their needs for higher education.

Except for the limited monies under Title IV Indian Fellowship Section IV, there is not a policy of funding Indian graduate students.[19]

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[18] Unpublished Hearings by Task Force No. 5, Albuquerque, New Mexico, Statement by John Rainer.

[19] Although the Announcement concerning the Title IV Indian Fellowship was late in reaching Indian groups and the application time was short, some 560 applications were received from which 90 students could be funded.

Although the Bureau of Indian Affairs has funded a number of special training projects (the school administrators) and the USOE has made grants to colleges and universities to train persons in special areas (teachers corps, counseling, etc.), it is clear that there is no consistent policy anywhere in the Federal government concerning undergraduate and graduate education for all American Indians.

A survey of State Boards of Regents in higher education conducted by the Task Force indicated limited state financial assistance to Indian students and a general consensus that both BIA and USOE assistance was inadequate.[30]

It is apparent that neither the Federal nor state governments have an organized policy of funding American Indians. Yet the oversupply of trained college and professional manpower is not evident in the Indian communities.

Postsecondary Institutions

Policy and program emphasis in the 1960's was directed toward intensive counseling, career widening opportunities, and individual assistance for "culturally disadvantaged" students. A litany of programs was established, as described above, under the Office of Economic Opportunity for the counseling and career development efforts of young people. In addition, student higher education assistance programs at the U.S. Office of Education were established and expanded. The Bureau of Indian Affairs began expanding scholarships for reservation Indians and redirecting some of the former off-reservation boarding schools.

The Institute for American Indian Art was established in 1968, at the former Santa Fe Indian School. This Institute brought together the top Indian artists and craftsmen for an innovative approach to fine arts, with understanding and respect for the Indian arts of the past as a bridge to Indian contemporary expression. As the movement for advisory boards took hold in the BIA system in 1968, a board of regents was established to assist in the development of the Institute.

Haskell Institute which was discussed earlier in this section also began planning a movement towards junior college in 1966. By 1970, under the direction of a board of regents, the school received college accreditation and became Haskell Junior College.

Also, during this time, the Bureau of Indian Affairs decided to organize a vocational-technical institution. Southwestern Polytechnic Institute was established in 1973 in Albuquerque, New Mexico. This facility provides a wide range of technical training areas for Indian young people from various parts of the country.

Each of the above post-secondary education schools have faced a number of critical problems in the last five years. They have been categorized by the BIA for administration and budgeting like the elementary and secondary off-reservation boarding schools. In reality, this has meant that they are under the jurisdiction of area offices for administration, budget, and program direction. There is evidence of tension and lack of support from the area office. The various boards of regents have been anxious to assist these schools with program direction, staff and student selection. Their interest and involvement has not been encouraged by the area offices. In addition, the student enrollment at these institutions have been selected by local reservation agency social workers, education staff, and superintendent. The school principal and superintendents have had nothing to say about the students they receive. In addition, all these schools have had to play the politics of school needs against area allocations back and forth with Washington, until a feasible agreement is reached. The board of regents, the school administration, and faculty have been the only ones concerned with quality and relevant education in these schools.

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[30] For further details, see the findings from the State Board of Regents Survey in Appendix T.

Despite all the factors described above—burgeoning college enrollment and special emphasis post-secondary BIA schools, there remains a large number of reservation residents, rural and urban Indians, who have not had access to post-secondary institutions. In addition to this group, many of the Indian students who entered college encountered serious problems related to social and academic adjustment. They subsequently were forced out of the system.

It was the high attraction rate among Indian college students as well as new impetus in policy towards Indian self-determination, which stimulated many Indian leaders and educators to begin considering plans for community-based higher education programs. Underlying these factors was also the need for increased cultural education relevance, and the crying need of Indian community people.

The first tribe to take the lead in this effort was the Navajo. They charted a tribal Indian community controlled college in 1968. The major goal of the college was to promote the development of Navajo students capable of dealing with "two worlds—traditional and modern—to enhance the Indian student's respect for his heritage while developing a systematic view in learning basic universal concepts and principles."[21]

As the Navajo Community College developed, other Indian communities began exploring, developing and initiating plans for tribally controlled colleges and higher education community-based learning centers. By 1970, both the Oglala Sioux and the Rosebud Sioux had chartered colleges on their reservations utilizing the extension arm of Black Hills State College in Spearfish, South Dakota. During the next several years, these schools began to identify and organize financial resources from private foundations and the Bureau of Indian Affairs to meet the needs of their expanding enrollments.

By 1972, a planning session was called of presidents and directors of the newly emerging schools and the BIA post-secondary schools to develop a strategy of cooperation and a means for receiving assistance from the Developing Institutions Office of the Bureau of Higher Education, U.S. Office of Education.[22] From this meeting came an agreement to develop the American Indian Higher Education Consortium through an arrangement with the Navajo Community College.

Since 1973, the development of post-secondary institutions has progressed at an astounding rate. Many of the original schools have been able to receive limited monies from federal and private sources. Last year, 1975, the American Indian Higher Education Consortium conducted a survey of Indian community colleges in existence as well as those projected. Their finding were filed with the Bureau of Indian Affairs who, in turn was to develop recommendations to Congress on this area. Charts highlighting the findings of this survey have been placed at the end of this report.[23]

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[21] United States Senate, "Hearing Before the Subcommittee on Indian Affairs," 94th Congress 2nd Session, p. 216.

[22] *Ibid.*, p. 139.

These community colleges approached the U.S. Congress in 1976 about hearing their case and assisting their efforts through legislation. They proposed a specific bill (S. 2634) to authorize and appropriate moneys for operating expenses, general support, and technical assistance. Thus far, only the Senate Committee on Interior and Insular Affairs has conducted a hearing on the bill. Interestingly enough, this hearing heard not only from the present Indian Community Controlled Colleges who are members of the American Indian Higher Education Consortium but a number of other tribes who were interested in developing higher education centers. Clearly, these Indian controlled and elementary and secondary schools are pioneers in their efforts to make education accessible, relevant, and affordable to Indian people. As noted in the charts mentioned above, the students attending these institutions are obtaining and expanding the skills of Indian manpower at the tribal and community level.

CONCLUSION

Like general Indian education policy, post-secondary education efforts can be traced back to the early days of the Republic. It has followed two courses—piecemeal appropriations which supported a few Indian students who attended institutions outside of their communities and private and Indian efforts geared towards organizing institutions of a post-secondary nature for Indian people.

In the area of scholarships, the Bureau of Indian Affairs supported students through appropriations acts, until the Snyder Act of 1921 gave them general authorizing legislation for education. Later the Indian Reorganization Act included a special section on scholarships for Indians who are Federally recognized and one quarter blood.

The Snyder Act, as the authorizing law used for BIA appropriations, also has been utilized to justify whatever programs the agency was interested in funding. For example, both Southwestern Indian Polytechnical Institute was established as a technical school and the Institute for American Indian Arts was established as a school of the fine arts under this authority. The Indian community based institutions, described in the section above, also have received operating monies under this law.

While there is no direct authority for these programs from the Congress, the agency (BIA) clearly has used a policy of discretion in funding them.

The U.S. Office of Education has no policy of funding for Indian scholarships or community based institutions. Student Assistance for Indians is the same as student assistance for anyone else. The higher education laws are very general in nature and are geared for the support of long-established institutions, except for Title III (developing

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[23] Information Release prepared by: Indian Education Resources Center, Higher Education Program, October 24, 1975.

Institutions). To participate in this title, the majority of the Indian community based institutions could not be recognized as legitimate but has to be funded through "already existing, established institution." The laws relating to the development of vocation-technical schools are all through the states. None of the states have chosen to locate these institutions in or near an Indian community.

Post-secondary education institutions have been the primary influence in American society which have trained the skilled workers, professional, and intellectuals. Like the public schools, these institutions also have transmitted and reinforced society's culture and values.

If American Indians are to develop their full human and economic resources, and if their communities are to become economically viable, they must have scholarship assistance for their people who wish to seek both higher education and vocational skills. They must have institutions in their communities which can provide them with the necessary academic and vocational skills. They must also have a number of institutions of higher learning devoted to interpreting and sustaining the cultures, languages, and traditions of all Indian people. Clearly, Congress must enact a policy of support for these activities.

Table 3.—*Number of native American students graduating in various professions while under sponsorship of the Bureau of Indian Affairs Higher Education Scholarship program*

Fiscal year 1975:	
Education	335
Health Fields	198
Sociology	165
Business	110
Psychology	82
Fine Arts	57
English	38
History	34
Counseling	29
Biology	27
Political Science	27
Home Economics	22
Anthropology	19
Ethnic Studies	19
Industrial Arts	17
Communication Arts	16
Journalism	14
Engineering	13
Law (Undergraduate)	12
Liberal Arts	12
Community Services	11
Police Science	10
Natural Resources (Environmental Science)	9
Recreation	1
Computer Science	7
Agriculture	7
Chemistry	6
Religion	6
Philosophy	6
Geology	6
Veterinarian Medicine	6
Architecture	4
Wildlife Science	4
Humanities	3
Geography	3
Mathematics	3
Economics	3
Linguistics	2
Horticulture	2
Urban Planning	2
Zoology	2
Electronics	2
Forestry	2
Research	2
Photography	1
American Studies	1
Library Science	1
Archeology	1
Other (Unlisted)	9
Special programs (advanced degrees):	
Law	35
American Indian Scholarships	65
Indian School Administration program	30
Grand total	1,497

Source: Indian Education Resources Center Higher Education Program, Albuquerque, New Mexico.

SECTION VII
PROPOSED LEGISLATION

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SECTION VII

PROPOSED LEGISLATION

A BILL To establish a new national policy with respect to education for the Indian people; to amend title IV of the Education Amendments of 1972 (the Indian Education Act) and related Acts in order to make more nearly complete the necessary authority for a National Program for Indian Education; to establish a National Indian Education Commission; and to establish a National Trust Fund for Indian Education

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Education Act of 1977."

FINDINGS AND DECLARATION

SEC. 2. The Congress hereby finds and declares that—

(1) from the time Europeans first came to this continent they have taken from the Indians, the native Americans, their land and have subjected the Indians to military, political, economic, and cultural pressures which have, in large part, destroyed or distorted the way of life, cultures and languages of the Indian peoples;

(2) the heritage of the Indian peoples is a national resource which must be preserved and, to the extent possible, the cultures and languages which have been destroyed or distorted must be restored;

(3) the United States has dealt with the Indian nations by treaties under which, in partial compensation for lands taken from the Indians, the United States promised to provide various Indian nations with education and these obligations are still binding upon the United States;

(4) too often the education provided for the Indian people was inadequate and inappropriate, in that education was used as a means to destroy the cultures and languages of the Indian peoples and change their way of life;

(5) even though in recent years greater attention has been given to fulfilling the obligation of the United States to provide education for the Indian people, there has been no complete review of the policies of the United States respecting Indian education with the result that there are numerous programs affecting Indian education, some mutually inconsistent, some duplicative, and some operating under outdated policies, and there is no unified, coordinated program for Indian education;

(6) funding for programs providing education for Indians has been inadequate and unpredictable with the result that the promises held forth in the laws authorizing such programs have not been kept and the Indian people do not have confidence that the

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good faith of the Government will provide a level of education to meet their needs and, therefore, means of financing Indian education must be established which will provide adequate and predictable support for Indian education programs; and

(7) Indian education has too long remained under the control of those who do not appreciate Indian cultures or their way of life and must be under the control of the Indian people.

STATEMENTS OF PURPOSE AND POLICY

SEC. 3. (a) It is the purpose of this Act—

(1) to establish and implement a policy of the United States regarding education for Indian people;

(2) to create a National Program for Indian Education designed to meet the needs and desires of the Indian people; and

(3) to create a National Indian Education Commission to assist in developing and carrying out the National Program for Indian Education.

(b)(1) All policies of the United States designed to use, or having the effect of using, education as a means of assimilating the Indian people into societies and cultures which are alien to the ways of life and cultures of the various Indian nations, tribes, bands, and other groups are hereby rescinded; and any law of the United States which authorizes the use of education for carrying out such policies is hereby modified to make the laws of the United States affecting the education of Indians consistent with the purposes and policies of this Act.

(2) It is the policy of the United States that—

(A) all Indian people shall have the right to an educational opportunity suited to their individual needs and desires, and, to the extent feasible, conducted under their control; and

(B) in addition to the rights of Indians to education under the laws of the States as citizens thereof, the United States has an obligation to provide financial support for their education in accordance with the provisions of this Act.

(c)(1) For the purposes of this Act and any Act amended or otherwise modified by this Act, the term "Indian education" means a program of instruction and training designed to meet the special educational, employment, and cultural needs of the Indian people whom the program is to serve. Such program shall include, to the extent appropriate (considering the ages and backgrounds of the persons served, the specific purpose of the program, and the desires of the persons served), provision for—

(A) the study of the history, cultures, and languages of the Indian peoples in the United States, generally, and that of the persons served, specifically;

(B) academic study to achieve competence in basic skills and to prepare for continued education;

(C) training in preparation for employment and for upgrading job skills and better employment.

(2) Among the purposes of programs of Indian education shall be to provide the Indian people the options of maintaining a way of life consistent with their culture background either while residing in an environment in which the Indian people are dominant or while residing

in areas in which they are a minority and shall not be their assimilation into cultures alien to them.

(3) Indian education for children at the elementary and secondary levels shall, to the extent possible, be provided in the community in which the child resides.

AMENDMENTS TO, AND MODIFICATIONS OF, EXISTING LAW

SEC. 4. (a)(1) Part E of title IV of the Education Amendments of 1972 is amended by striking out sections 451 and 452 thereof (without affecting amendments heretofor made by such sections) and inserting in lieu thereof the following:

"INDIAN CONTROLLED ELEMENTARY AND SECONDARY SCHOOLS

"SEC. 451. (a) The Commissioner shall develop policies, procedures, and criteria for recognizing Indian controlled elementary and secondary schools which at the time of recognition as such are not local educational agencies of the States in which they are located. Such policies, procedures, and criteria shall be published in the Federal Register and be subject to the procedures specified for promulgation of regulations under section 431 of the General Education Provisions Act.

"(b) On the first day of the first fiscal year which begins after the effective date of the policies, procedures, and criteria developed under subsection (a), the Commissioner shall accept applications from Indian controlled schools for recognition as such in accordance with such policies, procedures, and criteria and shall recognize such schools as are eligible thereunder.

"(c) Upon recognition pursuant to subsection (b) an Indian controlled school shall, for the purposes of any applicable program (as such term is defined in section 400(c)(1)(A) of the General Education Provisions Act), be considered a local educational agency and the education offered by such schools shall be considered public education.

"(d) No Indian controlled school shall be subject to the laws of the State in which it is located regarding compulsory attendance, accreditation, or curriculum used unless, subsequent to the recognition of such school, such State, under its laws, recognizes that school as a local educational agency and has a program of State aid for free public education which does not take into consideration the payment of, or availability of, Federal funds to such school: *Provided*, That no State law shall be enforced with respect to any such school which is determined by the Commissioner to be inconsistent with the policies of the United States regarding Indian education.

"(e) The use, by a State or any agency thereof, of accreditation or other entrance requirements for admission to public institutions of higher education to bar admission of graduates of Indian controlled secondary schools to such institutions shall be considered illegal discrimination on the basis of race under title VI of the Civil Rights Act of 1964.

"STATE AGENCY RECOGNITION FOR CERTAIN INDIAN TRIBES

"SEC. 452. If any Indian tribe, recognized as such by the Secretary of the Interior, operates an Indian controlled school recognized as such under section 451, and the Commissioner determines that the education of Indian children would be improved if that tribe held State level responsibilities rather than the State educational agency of the State in which such school is located, the Commissioner shall recognize that tribe as the State agency with respect to that school and shall pay to such tribe the appropriate administrative expenses, to be derived from the expenses which would otherwise be paid to the appropriate State educational agency."

(2)(A) The amendments made by this subsection shall be effective on the date of enactment of this Act.

(B) The policies, procedures, and criteria required to be published by section 451 of such Act shall be published in the Federal Register, initially, not later than one year after the enactment of this Act.

(b)(1) Section 303(a) of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress, the Indian Elementary and Secondary School Assistance Act) is amended by adding at the end thereof the following new paragraph:

"(3) If the Commissioner determines that—

"(A) the amount of funds available to any local educational agency from State and local sources and from other Federal sources for any fiscal year is less than the amount necessary to enable such agency to provide a level of education equivalent to that maintained by other local educational agenciees in the State in which such agency is located;

"(B) such agency is making a reasonable tax effort (if such agency has taxing power) and is exercising due diligence in availing itself of other financial assistance; and

"(C) not less than 50 per centum of the total number of children who are in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education were Indian children;

that agency shall be entitled to a payment for that fiscal year in an amount equal to the difference between the amount available to such agency from the sources described in clause (A) and the amount necessary to provide a level of education equivalent to that maintained by other local educational agencies in the State."

(2) Section 303(a)(2)(A) of such title III is amended by striking out "The" and inserting in lieu thereof "Except as is provided in paragraph (3), the."

(3) Section 303(b) of such title III is amended by adding at the end thereof the following new sentence: "The provisions of this subsection shall not operate to limit payments under this title to Indian controlled schools recognized by the Commissioner under section 451 of the Indian Education Act."

(4) Section 304 of such Act is amended by inserting "(a)" after "Sec. 304.", by striking out "Grants" and inserting in lieu thereof "Except as is provided in subsection (b), grants." and by adding at the end thereof the following new subsection:

"(b) Payments made to a local educational agency on the basis of entitlements created under paragraph (3) of section 303(a) shall be used for the maintenance and operation of the schools of the local educational agency receiving such payments.".

(5) The amendments made by this subsection shall be effective on and after the first day of the first fiscal year beginning after the enactment of this Act.

(c)(1) Part B of title IV of the Education Amendments of 1972 is amended (without affecting the amendments made thereby) to read as follows:

"PART B—SPECIAL PROVISIONS DESIGNED TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN STUDENTS

"RESEARCH AND DEVELOPMENT IN INDIAN EDUCATION

"SEC. 421. The Commissioner is authorized to make grants to, and enter into contracts with, institutions of higher education, Indian tribes and organizations, and individuals for the purpose of conducting research, studies and developmental activities relating to such research and studies in the field of Indian education, including research and studies in the history, culture, and languages of the various Indian peoples who have resided in the territorial limits of the United States.

"CURRICULUM DEVELOPMENT

"SEC. 422. The Commissioner is authorized to make grants to, and contracts with, institutions of higher education and other public and private institutions and organizations, including Indian tribes and Indian sponsored and controlled organizations—

(1) to assist in the development of curricula and curricula materials, designed for use in elementary and secondary schools serving Indian children and suitable for providing Indian education for such children;

(2) to assist in collecting existing materials and information which can be used, or can be adapted for use, in curricula for Indian education; and

(3) to disseminate, and promote the use of, such curricula.

"TRAINING FOR INDIAN STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

"SEC. 423. The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, Indian tribes and organizations for the purpose of preparing persons for teaching in or administering Indian education programs and of providing in-service training for teachers and administrators currently serving in such programs. The Commissioner is making such grants and contracts is authorized to make provision for fellowships and traineeships for individuals, cost of education allowances, and stipends for the persons trained and allowances for their dependents. In awarding fellowships and traineeships under this section, preference shall be given to persons who are Indians.

"GRANTS FOR INDIAN STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

"SEC. 424. Each Indian student who meets the requirements of section 411(a)(1) of the Higher Education Act of 1965 for any fiscal year shall be entitled, under the program authorized by subpart 1 of part B of title IV of such Act, to a grant in an amount computed with respect to such student under subsection (a) of section 411 of such title without regard for the provisions of subparagraph (B) of subsection (a)(2) of such section and subsection (b) of such section.

"ASSISTANCE TO INDIAN CONTROLLED INSTITUTIONS OF HIGHER EDUCATION

"SEC. 425. (a) The Commissioner is authorized to carry out a program of making grants to strengthen institutions of higher education which serve Indian students in accordance with the provisions of this section.

"(b) Each institution of higher education which for any fiscal year the Commissioner determines in accordance with regulations promulgated for the purpose of this section to be either—

"(1) operated or controlled by one or more Indian tribes or groups; or

"(2)(A) located on or near an Indian reservation, and

(B) serve a substantial proportion of Indian students;

shall be entitled to a grant under this section for that fiscal year in an amount determined under subsection (c).

"(c) The amount of the grant to which an institution shall be entitled under this section for any fiscal year shall be $2,500 for each Indian student who is in attendance at such institution for that fiscal year.

"(d) Funds paid to an institution under this section may be used solely to improve its program of instruction for Indian students.

"(e) Any institution which desires to receive a grant under this section shall make application therefor to the Commissioner. Such application shall be in such form, contain such information, and submitted at such time and in such form and manner as the Commissioner may require by regulation.

"(f) The Commissioner shall pay to each institution with an approved application under this section the amount to which it is entitled as computed under subsection (c) for each fiscal year.

"FELLOWSHIPS FOR PROFESSIONAL AND GRADUATE STUDENTS

"SEC. 426(a). The Commissioner shall carry out a program for each fiscal year of awarding fellowships for study in graduate and professional programs in institutions of higher education. Such fellowships shall be awarded to Indian students in order to enable them to pursue a course of study of not less than three, nor more than four, academic years of study leading toward a professional or graduate degree.

"(b)(1) The Commissioner shall pay to persons awarded fellowships under this section such stipends (including allowances for subsistence and dependents) as he may determine appropriate.

"(2) The Commissioner shall pay to the institution of higher education at which the holder of a fellowship under this section is pursuing a course of study, in lieu of tuition and fees charged such holder, such amounts as the Commissioner may determine necessary to cover the cost of education for the holder of such fellowship.".

(2) The amendment made by this subsection shall be effective on and and after the first day of the first fiscal year which begins after the enactment of this Act.

(d) The Commissioner of Education shall, under the Teacher Corps program authorized by title V of the Higher Education Act of 1965, carry out a special program of recruiting, training, and making available Teacher Corps members to local educational agencies (including Indian controlled schools recognized under section 451 of the Indian Education Act). The allocation of members of the Teacher Corps under such special program shall not be subject to the allocation provisions contained in section 513(b) (2) of such Act.

NATIONAL INDIAN EDUCATION COMMISSION

SEC. 5. (a) There is hereby established as an agency in the executive branch of the Government a National Indian Education Commission (hereafter in this Act referred to as the "National Commission") which shall—

(1) establish and implement, in accordance with the provisions of this Act, a comprehensive National Program of Indian Education for all Indians in the United States based upon statutory authority and treaty obligations in effect on the date of enactment of this Act or hereafter created by law;

(2) develop regulations and guidelines for the administration of the National Program, which shall include, where necessary, provision for joint administration of programs by the National Commission and the Secretary of the Interior or the Commissioner of Education, or both;

(3) establish and operate Indian Educational Service Centers, as provided in section 7; and

(4) carry out such other functions as may be provided by law.

(b)(1) The Commission shall be composed of two classes of members:

(A) 14 Indian members who shall be selected in the manner prescribed in paragraph (2); and

(B) three Federal members who shall be the Commissioner of Indian Affairs, the Commissioner of Education, and one person appointed by the President by and with the advice and consent of the Senate, which person shall be the Federal Co-chairman of the National Commission.

(2) The Indian members of the National Commission shall be selected as follows:

(A) Not later than 90 days after the enactment of this Act, the President shall promulgate regulations setting forth procedures for receiving the advice of the Indian people as to whom they would have represent them on the National Commission. Such procedures shall make provision for creating 14 regions or groups, each of which is to select one nominee. Persons so selected shall be appointed by the President.

(B) The regions and groups created for selecting Indian member nominees for the National Commission shall be—

(i) one to represent native Americans in the State of Alaska;

(ii) one to represent the Navajo Nation;

(iii) one to represent Indians who are residents of urban areas;

(iv) one to represent Indians who do not reside on or near Indian reservations and who do not reside in urban areas; and

(v) ten to represent Indians who reside on or near Indian reservations and Indians who reside in the States of Oklahoma and California.

(C) The terms of office of the Indian members shall be for two years. In establishing selection procedures and making appointments the President shall stagger the terms of office of the Indian members so that the regular terms of not more than 7 members shall end in the same year.

(3) The Indian members of the National Commission shall, from their membership, select a chairman who shall be the Indian co-chairman of the National Commission.

(4) In carrying out his functions under this section the President is authorized to pay such expenses as may be necessary to conduct the selection process described in paragraph (2) of subsection (b).

(c) All decisions of the National Commission shall be subject to the approval of a majority of the membership of both classes of members. Each class of membership is authorized to delegate its approval authority to the cochairman for that class.

(d) It shall be the duty and responsibility of the National Commission to—

(1) serve as an advocate for Federal support for Indian education and for the maximum feasible control of Indian education by Indian people;

(2) prepare and coordinate plans for Federal support for Indian education programs being administered by other agencies;

(3) provide technical assistance to Indian groups and parents to enable them to exercise more effective influence on education programs for Indian children;

(4) support and undertake research and demonstration projects in the field of Indian education (and for that purpose the National Commission is authorized to enter into contracts with public and private institutions and organizations);

(5) promote cooperation between the States and local educational agencies and Indian tribes in planning educational programs for Indian children in the public schools;

(6) assist in the development and establishment of new Indian education programs; and

(7) evaluate Indian education programs and the administration thereof.

(e)(1) The National Commission shall appoint and compensate an Executive Director who shall have such functions as the National

Commission shall determine. Such Executive Director shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

(2) In addition to the Executive Director, the Commission shall have the authority to create and fill two positions which shall be placed in grade 17 of such General Schedule.

(f) The National Commission is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of the National Commission;

(2) in accordance with those provisions of title 5, United States Code, relating to the appointment and compensation of personnel and subject to such limitations as are imposed in this part, to appoint and compensate such personnel as may be necessary to enable such agency to carry out its functions;

(3) to accept unconditional gifts or donations of services, money, or property (real, personal, or mixed; tangible or intangible);

(4) without regard for section 3648 of the Revised Statutes of the United States (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary for the conduct of the National Commission;

(5) with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out functions vested in the National Commission and to acquire and dispose of property; and

(6) to use the services of other Federal agencies and reimburse such agencies for such services.

(g) In addition to the authority provided in subsection (f), the National Commission is authorized, without regard for these provisions of title 5, United States Code, relating to appointment, compensation, and qualifications in the Civil Service, to appoint and compensate such professional and technical personnel as may be necessary to enable it to carry out its functions.

NATIONAL PROGRAM FOR INDIAN EDUCATION

SEC. 6.(a) The National Commission shall develop and prepare to implement a National Program for Indian Education (hereinafter referred to as the "National Program") which shall be designed to provide Indian Education for the Indian people. The National Program shall at least include—

(1) preschool programs for Indian children;

(2) basic operation and maintenance support for elementary and secondary schools in which the majority of children are Indian children;

(3) supplemental assistance to provide special Indian education for Indian children in attendance at elementary and secondary schools;

(4) special educational programs designed to encourage the development of new Indian education projects using educational methods and techniques particularly appropriate for the education of Indian children;

(5) vocational instruction and training for Indian youth and adults;

(6) financial assistance for Indian students in institutions of higher education and for Indian controlled institutions of higher education;

(7) elementary and secondary education for adults needing such education; and

(8) research and development in the field of Indian education.

The National Program shall be a comprehensive, well coordinated program based on existing law and avoiding unnecessary duplication of activities among programs, and shall include, in addition to the activities described in clauses (1) through (7), support for the activities otherwise authorized in part B of the Indian Education Act as amended by section 4 of this Act and a program of school facility construction under section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) which is adequate to meet the need for school facilities as is authorized under that Act.

(b)(1) The program of basic support developed pursuant to clause (2) of subsection (a) shall provide funds for maintenance and operation of local educational agencies (including Indian controlled schools recognized under section 451 of the Indian Education Act) in which the majority of children in attendance at the schools of such agency are Indian children and for which there is a lack of financial support available from other sources by reason of a lack of, or inadequate, revenue raising capacity. Such program shall be designed to encourage Indian communities to develop Indian controlled elementary and secondary schools and school systems recognized under section 451 of the Indian Education Act and to increase their participation in the operation of local educational agencies. The level of support under such program for any school for any fiscal year shall not be less than an amount equal to the product of—

(A) the number of children who are in average daily attendance at the schools of the local educational agency, as the case may be; multiplied by—

(B) 110 per centum of the average per pupil expenditure in the United States (or, if higher, in the State in which the school is located).

The statutory authority to be used by the National Commission, in developing such program of basic support, shall be that of section 303(a)(3) of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (The Indian Elementary and Secondary School Assistance Act) as added by section 4(b) of this Act.

(2) In developing the program of supplemental support for special Indian education for Indian children in attendance at elementary and secondary schools pursuant to clause (3) of subsection (a), the National Commission shall combine the authorities of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (The Indian Elementary and Secondary School Assistance Act) and the Act of April 16, 1934 (the Johnson-O'Malley Act) in order to create a comprehensive program designed to give all Indian children the opportunity to supplement their regular school program with special Indian education which meets their special needs therefor.

The level of supplemental assistance to be provided to any local educational agency (including Indian controlled schools recognized under section 451 of the Indian Education Act) under such program shall not be less than an amount equal to the product of—

(A) the number of Indian children who are in average daily attendance at the schools of the local educational agency, multiplied by—

(B) 33⅓ per centum of the average per pupil expenditure in the United States (or, if higher, in the in which the school is located).

If, with respect to any school, the maximum amount of a grant to which a local educational agency is entitled as computed under section 303(a)(2) of such Act of September 30, 1950 is less than the amount such school is entitled under this subsection, then the amount computed under such section 303(a)(2) shall be increased accordingly.

(3) For the purpose of this subsection, the term "average per pupil expenditure" when used with respect to the United States or a State means the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in the State, or in the United States, as the case may be, plus any direct current expenditures by the States for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding fiscal year.

(c) Elementary and secondary schools on or near Indian reservations which are presently operated by the Department of the Interior shall, to the extent possible, be operated under the control of Indian tribes or Indian controlled institutions or organizations. Such schools shall continue to receive complete financial support from the Federal Government through payments to such tribes, institutions, and organizations under the National Program. The National Commission shall promulgate a schedule for the transfer of the control of each of such schools to one or more Indian tribes, institutions, and organizations. After the control of a school has been transferred to a tribe or tribes that school shall have the same status as an Indian controlled school under section 451 of the Indian Education Act. If the National Commission finds that there is a need for continued operation of a school by the Federal Government because of special educational problems of Indian children which can be met through a federally operated school, it is authorized to exempt from such schedule not more than two schools which are especially capable of meeting those problems.

INDIAN EDUCATIONAL SERVICE CENTERS

SEC. 7. (a) In order for the National Commission to provide the services to the Indian People for which provision is made in this Act, the Commission shall establish not less than 10 but not more than 14 Indian Educational Service Centers. Such Centers shall be located in the various regions of the Nation and shall be responsible for cooperating with and assisting tribal councils, tribal education committees, local school boards, parent groups, and other Indian associations, organizations, and institutions in bringing educational services to the Indian people in a form that meets their educational needs.

(b) The National Commission shall, through the Centers established pursuant to subsection (a), provide the following services:

(1) Assistance for Indian parents and tribal leaders to determine the extent to which such parents and leaders wish to have influence and control the system of education serving their children and for providing such parents and leaders with technical assistance on the means by which that degree of influence and control may be achieved.

(2) Training programs for Indian parents, school board members, administrators, and teachers to train them in educational planning, problem-solving, and administration for educational systems serving Indian children.

(3) Training programs for teachers, teacher aides, and administrators to prepare them to serve in Indian education programs and to improve the qualifications of those who are serving in Indian education programs.

(4) Supportive assistance for strengthening nonprofit Indian controlled educational organizations and associations and technical assistance to assist in the establishment and strengthening of Indian controlled educational proprietary organizations.

(5) Training programs for employees of the Federal Government and of State and local governments to increase the understanding of the needs of the Indian peoples and of the history, cultures, and traditions of the various Indian peoples.

(6) Technical assistance and training for Indian people in order to enable them to learn about the educational services and opportunities available from the Federal Government and State and local governments and about their rights under the laws of those governments and under the treaties of the United States with the various Indian tribes.

(c) In order to enable the National Commission to carry out its functions under this section, the National Commission is authorized to make grants to, and contracts with, public and private nonprofit agencies, institutions, and organizations, including Indian tribes.

NATIONAL TRUST FUND FOR INDIAN EDUCATION

SEC. 8. (a) The President shall direct a study to be undertaken regarding the legal obligations of the United States under the laws and treaties of the United States related to the education of Indians and the unmet educational needs of Indian people. Included in such study shall be a review of the education of Indians (and their descendants) who are not members of tribes or nations having treaties with the United States. On the basis of such study the President shall estimate the amount which would be necessary to create a fund, the income of which would be sufficient to provide the Indian people with educational opportunities to which they are entitled under this Act and amendments made by this Act. There are authorized to be appropriated a sum equal to such estimate.

(b)(1) There is hereby established in the Treasury a National Trust Fund for Indian Education (hereafter in this section referred to as the "Trust Fund") into which shall be deposited appropriations made pursuant to subsection (a). Funds deposited in the Trust Fund shall be held by the United States, as trustee, for the benefit of the Indian people and shall be invested by the United States in securities issued by the United States or in securities guaranteed by the United States. Income received from investments of funds in the Trust Fund shall not be less than 6 per centum annually.

(2) The income from the Trust Fund shall be available to the National Commission for carrying out the provisions of this Act, on such dates as the National Commission determines will best facilitate achieving the purposes of this Act. If on any such date, there is insufficient income in the fund to make any payment required under this Act, the National Commission is authorized to issue to the Secretary of the Treasury a note or other obligation equal to the difference between the income from the Trust Fund available on such date and the amount of such payment. The Secretary of the Treasury is authorized and directed to purchase such note or other obligation. If necessary for such purchase, the Secretary of the Treasury is authorized to use, as a public debt transaction, the proceeds from the sale of any securities issued in accordance with law by the United States; and the purposes for which securities may be issued any such law are extended to cover any purchase of a note or other obligation issued by the National Commission pursuant to this paragraph. There is authorized to be appropriated such sums as may be necessary to redeem any such note or other obligation.

(c) Not later than January 1 of each year the National Commission shall submit to the President and the Congress an estimate of the cost of carrying out the National Program for the fiscal year beginning on the following October 1. Such estimate shall be in such detail as to indicate the cost of each activity in the National Program and shall indicate the dates upon which payments are to be made from the Trust Fund to the National Commission. Unless otherwise limited by an Act making appropriations for such fiscal year, the income from the Trust Fund shall be made available as provided in subsection (b) on such dates and the National Commission shall transfer such payments to the agency or agencies administering the National Program.

(d) None of the funds in the Trust Fund may be used to cover administrative expenses for Federal agencies.

(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out section 5 and 7 of this Act.

TRANSFERS AND DELEGATIONS OF FUNCTIONS

SEC. 9. (a) When the National Commission has developed the National Program and a plan for implementing the National Program, it shall notify the President and the proposed regulations for the National Program shall be published in the Federal Register and shall be treated as proposed regulations under section 431 of the General Education Provisions Act. Upon receiving the notice pursuant to the preceding sentence, the President is authorized to transfer such authority and functions as may be necessary to carry out the National Program from the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and the Commissioner of Education to the National Commission. When the proposed regulations become effective and all necessary authorities and functions have been transferred to the National Commission, the National Program shall become effective.

(b) The National Commission shall delegate the actual administration of the National Program to one or more other agencies; however, it shall retain the authority for supervision of such administration and the making and enforcement of regulations for the National Program.

DEFINITIONS

SEC. 10. Except as is otherwise provided in this Act, the definitions in section 801 of the Elementary and Secondary Education Act of 1965 shall apply to the terms used in this Act and amendments made by this Act, except that, for the purposes of sections 424 and 425 of the Indian Education Act, no accreditation requirements for institutions of higher education developed under the definition of "institution of higher education" shall be used to deny assistance under such sections to Indian controlled institutions or students in attendance at such institutions.

SECTION VIII
SELECTED BIBLIOGRAPHY

SECTION VIII

SELECTED BIBLIOGRAPHY

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Appendix A

A PREVIOUSLY UNPUBLISHED MONOGRAPH PREPARED FOR THE TASK FORCE ON INDIAN EDUCATION BY EARL J. BARLOW, BLACKFEET, OF BROWNING, MONTANA

The Indian Period—B.C. to 1492

For purposes of this report, the era pertaining to the time prior to the arrival of white men on the North American continent in 1492 is referred to as the Indian period.

The first people to inhabit the New World or the Americas were called Indians by Christopher Columbus when he landed in what is now known as the West Indies. He surmised he had reached India, and so he called the people he met Indians.

The Vikings are believed to have explored the coast of North America about 1000 A.D. and if so, they failed to establish a lasting contact with the inhabitants.

The question of origin and migration of the American Indian, north of Mexico, has never been completely answered. There is lack of agreement on the subject by anthropologists and archeologists. About the only thing scholars agree on is that the American Indian has been in North America a long time, perhaps at least 20,000 years. By the time Columbus arrived, Indians were living in the New World from the Far North to the southern tip of South America.

Nearly every tribe has legends explaining the creation of their people. Indian legends told stories of the world before it had people, told stories of the origin of people and tribes, and told stories of tribal heroes.

Before the arrival of white men in 1492, the American Indians who lived on the North American continent evolved civilizations which were suitable for their needs.

Among American Indians of that time, men, women and children lived together in families and the family was the basic unit of their society.

Families of Indians joined together to form local groups called bands. The number of people or families in a band depend upon the availability of the necessities of life in the nearby area.

Generally, bands joined together to form tribes. Hundreds of tribes existed in 1492.

There are varied definitions of what a tribe is. One definition is:

"Among the North American Indians a tribe is a body of persons who are bound together by ties, consanguinity and affinity and by certain esoteric ideas of concepts derived from their philosophy concerning the genesis and preservation of the environing cosmos, and who by means of these kinship ties are thus socially, politically and religiously organized through a variety of ritualistic, governmental, and other institutions, and who dwell together occupying a definite territorial area, and who speak a common language or dialect. From a great variety of circumstances—climatic, topographic, and alimental—the social, political, and religious institutions of the tribes of North American Indians differed in both kind and degree, and were not characterized by a like complexity of structure; but they did agree in the one fundamental principle that the organic unities of the social fabric were based on kinship and its interrelations and not on territorial districts or geographical areas."[1]

Some Indian tribes in North America organized larger groups called federations. The Iroquois federation was made up of the five Iroquois tribes—Mohawk, Onondaga, Oneida, Seneca and Cayuga.

American Indians of this period developed many institutions common to non-Indian societies or cultures and a significant one was education.

Education has always been a need of human society, and every society evolved a process of educating its youth for active adult participation in that society.

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[1] Frederick Webb Hodge (ed.), "Handbook of American Indians, North of Mexico" (New York: Rowman and Littlefield, Inc., 1965), Part 2, 814.

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The Indian society devised a means for socializing the youth and transmitting the culture.

The educational process was active and not passive. The boys and girls learned by doing. The process was not highly structured and was dependent upon parents, relatives and tribal elders for implementation. The curriculum could be described as informal but relevant. The life style of Indians was tuned to the natural forces surrounding them and the overall goal of education was to preserve and maintain their way of life. Indian children were expected to grow up as their parents were, to perpetuate tribal customs, values, traditions and ethics. Indians of that period were profoundly spiritual.

Because American Indians did not have a written language, much of what was learned was by word-of-mouth transmission. The basic thrust of Indian education was traditional in the sense that the past was revered.

The tribes had little formal structured government. Men became leaders through exemplary action rather than through formal election. The headmen were moral and spiritual leaders as well as political leaders. Decisions were arrived at in consultation with the heads of various families or clans. Indian leaders remained leaders only so long as the wisdom of their actions held the respect and support of the people.

The system served the needs of the Indian people of that period. Planners of education for American Indians in the future should heed the advice of Sitting Bull who said, "If a man loses something and goes back and carefully looks for it, he will find it."

Assimilation, Cultural Genocide

Since the bolder, more enterprising, more gifted members of a group have more opportunity than others to leave, a high rate of assimilation can deprive a tribal group of its ablest young people, its future leaders.

Within the various segments of the American population, conservatives have long warned their fellow ethnics against the corrosive effects of assimilation. Red Jacket, Seneca Chief, observed to a Christian missionary that the Great Spirit had put a great difference between his red and his white children. If He had intended the Indians to have the religion of the whites, He would have communicated it to their forefathers long ago. Let each race hold its own way of life under penalty of divine displeasure.

Horace Kallen, 1915, formulated the objections to assimilation in democratic terms. Every American ethnic group should strive to perfect its own special heritage, because the true spirit of American democracy is the right to be different. "Cultural pluralism" would restore harmony.

Ethnic groups are unequal in their cultural resources as well as the social and economic standings of their members. Accentuating their differences can serve to reinforce the disadvantages of American Indians.

Education has not rectified the deeper inequalities of the American society. Forced assimilation of the American Indian into the dominant non-Indian society is short sighted, will be unsuccessful, and will perpetuate his misery.

The transition of the responsibility for Indian education from the Federal government to the individual states was a direct result of two basic factors: (1) the organization into states of all lands within the continental United States formally in territorial status[2]; and (2) the Citizenship Act of 1924 which granted U.S. citizenship to all Indians residing within the continental United States.

The posture of the Bureau of Indian Affairs is that education of American Indians is the responsibility of each state and local school district therein by virtue of Indian citizenship and the rights of Indians under the 14th amendment of the U.S. Constitution.

The first treaty between the U.S. and an Indian nation was signed September 17, 1778 with the Delawares. The initial relationship of the American Indian to the Federal government was that of Nation to Nation. The Federal government, in response to specifically documented treaties or through voluntarily assumed moral responsibilities, began in the early 1800's to make provisions for Indian education, utilizing established sectarian schools, or in some cases, federally operated institutions. Such federal and religiously oriented education efforts predate the statehood of the majority of states.

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[2] Each state recognizes in its constitution or enabling legislation the responsibility to provide educational opportunities for all citizens of the state.

From the beginning, federal policy toward the Indian was based on the desire to dispossess us of our land. Education policy was a function of federal land policy.

Beginning with President Washington, the state policy of the Federal government was to replace the Indian culture with the Anglo-Saxon culture. This was considered "advisable" as the cheapest and safest way of subduing the Indians, of providing a safe habitat for the country's white inhabitants, of helping the whites acquire desirable land, and of changing the Indian's economy so that he would be content with less land. Education was a weapon by which these goals were to be accomplished.

Indian Manifest Destiny

Ramon Eduardo Ruiz, a Mexican, said all nations have a sense of destiny. He cited examples such as the Spaniards braved the perils of unknown seas and the dangers of savage tribes to explore and conquer a New World of Catholicism. Napoleon's armies overran Europe on behalf of equality, liberty, and fraternity. Communism foments revolution and dictates the future of China and the Soviet Union. Our own country, the United States, continues to make war in order to make the world safe for democracy.

In 1845, the term Manifest Destiny was coined in the United States to justify the hunger the white man had for Indian land. The immigrants who came to our country and their descendants convinced themselves that they were ordained by destiny to rule all America from the east coast to the west coast. Some of the immigrants spoke of a United States of America with boundaries from the North Pole to the South Pole.

As the doctrine of Manifest Destiny spread throughout the land, the definition or concept of this term changed. Manifest Destiny became more than an excuse or a reason for grabbing Indian land, forests, and mineral wealth. The belief developed that what Americans upheld was right and good and that God has designated them the chosen people. Manifest Destiny came to mean democracy as conceived by Americans. The goal of the Americans was to further democracy and freedom. Included were ideals of regeneration of the white people, the conquest of virgin lands for the sake of their development, and concepts of Anglo Saxon superiority.

The Americans said no nation has the right to hold land, virgin and rich which is not productive and no race but Americans could cultivate or rule the western hemisphere, which just happened to be Indian country. The American Indian, who up until that time had never established a reputation of being a good farmer, soon became a victim of this concept of land use.

Millions of Americans came to believe that God had willed them all of North America. Few Americans saw the extension of freedom in terms other than liberty for themselves—white, Anglo-Saxon, and Protestant.

That the Indian was driven from his homeland is accepted as inevitable and thus justifiable. Americans today might condemn the maltreatment of the Indians as we were subdued but few Americans question the final verdict.

Americans, generally, had long considered Indians unfit to survive and live among them. They believed that the Indian was in fact sub-human and little better than an animal. Thus was spawned the national policy of extermination during the 19th century as the expedient solution to the Indian problem.

In 1967 the American Association of Anthropologists met and they conducted a symposium on war. They set out to determine which of all the wars this country ever engaged in was the most popular. When they concluded their study, they were shocked to learn the most popular war this country engaged in was the war against the American Indians. They then decided to determine why the war against the American Indians was so popular with the American people. They came up with two reasons. The first reason was Americans generally believed the Indian was an inferior species. The second reason they came up with was Americans did not like the idea that the Indian did not use the land properly and this in their system of values was sinful therefore the Indian deserved to be exterminated.

Maybe you have heard of Thomas Hart Benton, Senator from the State of Missouri. Senator Benton was possibly the most eloquent spokesman for the doctrine of Manifest Destiny during the 1840's. In a speech delivered before the United States Senate in 1846, Senator Benton said the white race was far superior to the yellow, black, brown and red races. He said that the white race alone received the divine command to subdue and replenish the earth! He said the Indians disappeared from the Atlantic Coast and the tribes that resisted the white civilization met extinction. He acknowledged that some people lamented over this extinction but he himself could not murmur at what was the effect of divine law. He said he could not repine that the capitol of the United States had replaced the wigwam; that Christian people had replaced the savages; that white matrons had replaced the red squaws; and that such men as Washington, Franklin, and Jefferson had taken the place of Powhattan and other redmen; however respectable they might have been as savages. Civilization, or extinction, has been the fate of all people who have found themselves in the track of the advancing whites . . .

APPENDIX B

STATISTICS ON INDIAN SCHOOLS AS REPORTED BY REV. JEDIDIAH MORSE (1822)

List of Tribes Having Schools or Receiving Education and Source of Support

Passamaquoddies, Maine: Society for Propagation of Gospel Among Indians of North America, State of Maine, Town of Perry.

Massachusetts—Mashpee Indians, Herring Pond, Troy, Martha's Vineyard: Plantation, State of Massachusetts. Corporation of Harvard College, Society for Propagation of Gospel Among Indians of North America, The Mayhews.

Narragansetts, Rhode Island: Society for Propagation of Gospel Among Indians of North America.

Mohegans: Formerly by Missionaries, Latterly by the State.

Dartmouth College, New Hampshire (Moors Indian School): Rev. Dr. Eleazer Wheelock, Society in Scotland for Propagation of Christian Knowledge.

Cornwall, Connecticut: American Board of Commissioners for Foreign Missions.

Oneidas, New York: Hamilton Baptist Society of New York.

Stockbridge, New York: Society in Scotland for Propagation of Christian Knowledge, Society for Propagation of Gospel Among Indians of North America, Corporation of Harvard College.

Senecas and Onondagos: New York Missionary Society, United Foreign Missionary Society, Mary Doxtater.

Tuscaroras, New York: United Foreign Missionary Society.

Wyandots: Methodist Episcopal Church.

Miamis, Indiana: Baptist Board of Foreign Missions.

Cherokees: Society of United Brethern of North Carolina (Moravians), American Board of Commissioners for Foreign Missions, Baptist Board of Foreign Missions, Sarepta Missionary Society.

Choctaws: American Board of Commissioners for Foreign Missions, One supported in part by parents of children.

Chickasaws: Domestic and Foreign Missionary Society of Synod of South Carolina and Georgia, Cumberland Missionary Society.

Chictaw Academy, Great Crossings, Kentucky: Baptist Board of Foreign Missions.

Cherokees of Arkansas: American Board of Commissioners for Foreign Missions.

Great Osages: United Foreign Missionary Society of New York.

Little Osages: United Foreign Missionary Society of New York.

APPENDIX C

STATISTICS ON INDIAN SCHOOLS AS REPORTED BY THE OFFICE OF INDIAN AFFAIRS (1830)

Name of site and station	By whom established	Number of— Teachers	Number of— Pupils	Amount paid annually by Government
1. Spring Place, Cherokee Nation, Alabama	United Brethren	5	10	------
2. Oochgeelogy, Cherokee Nation, Alabama	do	3	14	$250
3. Brainerd, Cherokee Nation, east Mississippi	Am. Bd. Com. Foreign Missions	2	50	------
4. Carmel, Cherokee Nation, east Mississippi	do	1	30	------
5. Creek Path, Cherokee Nation, east Mississippi	do	1	31	------
6. High Tower, Cherokee Nation, east Mississippi	do	1	10	------
7. Elliot, Choctaw Nation	do	7	48	------
8. Dwight, Cherokees, west Mississippi	do	2	50	220
9. Newel, Choctaw Nation	do	------	15	------
10. Mayhew, Choctaw Nation	do	6	56	------
11. Bethel, Choctaw Nation	do	3	8	------
12. Mushulatu-bee's, Choctaw Nation	do	1	13	------
13. Juzan's, Choctaw Nation	do	1	15	------
14. Emmaus, Choctaw Nation	do	3	26	------
15. Yokneeahchuckmah, Choctaw Nation	do	4	30	------
16. Hikashobana, Choctaw Nation	do	1	12	------
17. Tuscarora, N.Y	do	1	45	220
18. Seneca, near Buffalo, N.Y	do	8	45	220
19. Union, Osages, Arkansas	do	16	57	170
20. Monroe, Chickasaws	do	4	20	------
21. Ottawas, Miami of the Lakes	do	21	10	120
22. Cataraugus, Senecas, New York	do	9	40	220
23. Goshen	do	8	45	------
24. Ai-ikhun-nah	do	3	24	------
25. Williams	do	2	4	------
26. Tuckshish	do	3	22	------
27. Colonel Folsom's, Choctaw Nation	do	1	12	------
28. Cane Creek	do	3	30	------
29. Martyn	do	2	27	------
30. Hebron	do	2	22	------
31. Willstown, Cherokees, east Mississippi	do	1	15	------
32. Hawies, Cherokees, east Mississippi	do	1	10	------
33. Candy's Creek, Cherokees, east Mississippi	do	1	30	------
34. Mulberry Settlement, Cherokees, west Mississippi.	do	1	30	------
35. Michilimackinac	do	3	157	350
36. Carey, Potawatomi, St. Joseph's	Baptist General Convention	14	70	450
37. Thomas, Ottawas, Grand River	do	8	20	------
38. Valley Towns, Cherokees, east Mississippi	do	5	50	600
39. Withington, Creek Nation	do	6	16	450
40. Oneida, N.Y	do	5	28	300
41. Tonnawanda, N.Y	do	5	21	200
42. Wyandotts, Upper Sandusky	Methodist Society	10	60	400
43. Asbury, Creek Nation	do	9	22	150
44. Charity Hall, Chickasaws	Cumberland Missionary Board	4	20	300
45. Florissant, Mo	Society of Jesuits	8	15	400
46. Oneida Castle, N.Y	Protestant Episcopal, N.Y	3	30	300
47. Pleasant Point, Quoddy, Maine	Society for Propagating the Gospel	1	57	300
48. Harmony, Mo	Am. Bd. Com. Foreign Missions	27	30	170
49. Castleton Academy, Vermont	do	------	1	100

APPENDIX D

COURSE OF STUDY FOR INDIAN SCHOOLS (1890)[1]

Primary Grades

First Year: English language, Reading and writing, Numbers, General exercises (i.e., singing, marching, physical drills).

Second Year: English language, Reading, Orthography (i.e., spelling), Penmanship and drawing, Numbers, Geography, General exercises.

Third Year: English language, Reading, Orthography, Form and color, Penmanship and drawing, Numbers, Geography, General exercises.

Fourth Year: English language, Reading, Orthography, Form and color.

Advanced Grades

First Year: Reading, Orthography, Arithmetic, Language, Geography, Observation lessons, General exercises (i.e., habits, morals and manners).

Second Year: Reading, Orthography, Arithmetic, Geography, Observation lessons, General exercises.

Third Year: Reading, Orthography, Arithmetic, Form and color, Penmanship and drawing, Language, Geography, United States history, Physiology and hygiene, Observation lessons.

Fourth Year: Reading, Orthography, Arithmetic, Penmanship, Drawing, Language, Geography, United States history, Physiology and hygiene, Civil government, Observation lessons, Music, General exercises.

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[1] Annual Report of the Commissioner of Indian Affairs for the year 1890, pp. CLVI–CLX. The above outline was suggested for use until a more complete manual was prepared.

APPENDIX E

CORRESPONDENCE OF COMMISSIONER OF INDIAN AFFAIRS REGARDING THE TRANSFER OF INDIAN STUDENTS TO PUBLIC SCHOOLS

[Letter to State Superintendents of Public Instruction in regard to admitting Indian youth into the public schools]

OFFICE OF INDIAN AFFAIRS,
Washington, D.C., August 15, 1890.

HONORABLE SUPERINTENDENT OF PUBLIC INSTRUCTION OF THE STATE OF ———:

It is the prime purpose of the present administration of Indian Affairs to bring the Indian schools into relation with the public schools of the several States and Territories in which Indian reservations are located as rapidly as practicable. To this end I am modeling the schools under my supervision after the public schools as far as possible.

In most of the States and Territories where there are Indians, some of them are located among the white settlers, and white settlements generally surround the reservations. I deem it extremely desirable that wherever practicable the children of Indians residing on reservations or among the whites be induced to attend the public schools.

They will learn the ways of civilization and acquire the language much more rapidly if associated with white children in the public schools than in any other way.

These Indians pay no taxes, and in many instances are either too poor or too indifferent to place their children in school. Many school districts adjacent to Indian reservations or containing Indian allotted lands are prevented from maintaining schools by the presence of the Indians who do not contribute in any way toward the support of such schools.

In order especially that the Indians who break up their tribal relations and settle upon allotted lands may have opportunities of educating their children, and as an inducement to white settlers to invite Indian children to their schools and assist them to acquire the rudiments of an English education, I would be pleased to have you inform school officers and others interested that the Indian Office is ready to enter into contracts with the school district officers, or other properly qualified representatives of school districts, for the tuition of Indian children at a rate of $10 per quarter, based upon the average attendance of Indian children during the quarter. Out of this $10 per quarter the school districts will be expected to supply necessary text-books to the Indian children. The school district will contract distinctly to give to each Indian child all the opportunities and attention which are given to white children attending the school, and, so far as possible, prevent their white playmates from ridiculing them or in any way discouraging them or preventing their progress.

The Government contributes this $10 per quarter directly for the purpose of benefitting the children of the Indians, its wards, for whose education the national Government is responsible.

The fact that this is likewise a benefit to school districts having Indian citizens or adjacent to Indian reservations must not be lost sight of. I feel that the whites of such localities are as much interested in this plan of educating the Indian children as the Indians are themselves, not only because of the money received, but especially because the Indians thus brought into the public schools and into pleasant relationship with white children will the more readily become fitted for good citizenship.

I trust that you will cooperate with this office in the work of bringing these ignorant little ones into contact with our Christian civilization through the public schools.

Very respectfully,

T. J. MORGAN, *Commissioner.*

Appendix F

REGULATIONS CONCERNING ENROLLMENT AND ATTENDANCE OF INDIAN CHILDREN IN SCHOOL, PURSUANT TO THE ACT OF FEBRUARY 14, 1920

The following amendment to regulations approved February 28, 1921, is hereby issued pursuant to the act of February 14, 1920 (41 Stat. L., 408, 410), which reads in part:

Hereafter the Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in the public schools.

Article I: Superintendents of reservations or schools within the various States shall, in every way possible, assist State, county, or local district officers in compiling school censuses for their respective districts with a view to placing all Indian children in school and enforcing their regular attendance in accordance with the existing compulsory-education laws and regulations of the different States.

Article II: The compulsory-education laws and regulations of the different States in which Indians reside are hereby adopted as an amendment to regulations concerning enrollment and attendance of Indian children in school, authorized by the above-quoted act of February 14, 1920. Where State, county, or district officials care to do so, they may enforce such State laws and regulations as embodied herein with respect to Indian children, and superintendents and other Indian Service officials are hereby directed to cooperate with said officials to the fullest extent possible in the enforcement of said laws and regulations.

If an Indian, on the ground of wardship, raises the question of jurisdiction of State or county officials and his contention is well founded, then the superintendent or other proper officials to whom the Indian appeals shall enforce the above law and regulations referred to and authorized by the act quoted above, using Federal agencies and officials who perform duties similar to those named in the laws and regulations embodied herein.

Article III: Where Indian children, regardless of civil status, live beyond the limit of distance and thereby are exempt from attending public schools, or where any other conditions prevent State, county, or district officials from enforcing State laws and regulations, as provided in Article II hereof, and their parents refuse or fail of their own free will to place them in a suitable school, they shall attend a boarding school or schools (as far as capacity of such schools is available) designated by the Commissioner of Indian Affairs.

Article IV: When parents fail or refuse to comply with Aricle III of these regulations, the same punishment and fines shall be imposed on them as though their residence was within the distance for compulsory attendance at a public school.

Article V: It is the purpose of this amendment to place all Indian children in school, either public or private, or in schools maintained by the United States for the benefit of Indians, as far as facilities are provided.

Any part or parts of former regulations which may in any way conflict with this amendment are hereby revoked.

APPENDIX G

CHRONOLOGICAL LIST OF TREATIES MADE BETWEEN INDIAN TRIBES AND THE U.S. GOVERNMENT CONTAINING EDUCATIONAL PROVISIONS

Date	Tribe	Statute	Article
Dec. 2, 1794	Treaty with the Oneidas, Tuscarora, and Stockbridge	7 Stat. 47	3.
Aug. 13, 1803	Treaty with the Kaskaskia	7 Stat. 48	
Aug. 18, 1804	Treaty with the Delaware	7 Stat. 81	2.
Oct. 18, 1820	Treaty with the Choctaw	7 Stat. 210	7, 8.
Aug. 29, 1821	Treaty with the Ottawa, Chippewa and Potawatomi	7 Stat. 218	4.
Sept. 18, 1823	Treaty with Seminoles of Florida	7 Stat. 224	6.
Jan. 20, 1825	Treaty with the Choctaw	7 Stat. 234	2.
Feb. 12, 1825	Treaty with the Creek Nation	7 Stat. 237	7.
June 2, 1825	Treaty with the Great and Little Osage	7 Stat. 240	6.
June 3, 1825	Treaty with the Kansas Nation	7 Stat. 244	4, 5.
Aug. 5, 1826	Treaty with the Chippewa	7 Stat. 290	6.
Oct. 16, 1826	Treaty with the Potawatomie	7 Stat. 295	3.
Oct. 23, 1826	Treaty with the Miami	7 Stat. 300	6.
Aug. 11, 1827	Treaty with the Chippewa, Menominees, Winnebagoes and New York Indians.	7 Stat. 303	5.
Nov. 15, 1827	Treaty with the Creek Nation	7 Stat. 307	
May 6, 1828	Treaty with the Cherokee Nation	7 Stat. 311	5.
Sept. 20, 1828	Treaty with the Potawatomi	7 Stat. 317	2.
Sept. 24, 1829	Treaty with the Delaware	7 Stat. 327	(1).
July 15, 1830	Treaty with the Sacs and Foxes, etc	7 Stat. 328	5.
Sept. 27, 1830	Treaty with the Choctaw Nation	7 Stat. 333	20.
Feb. 8, 1831	Treaty with the Menominee	7 Stat. 342	4, 5.
Mar. 24, 1832	Treaty with the Creek Nation	7 Stat. 366	13.
May 9, 1832	Treaty with the Seminole	7 Stat. 368	
Sept. 15, 1832	Treaty with the Winnebago Nation	7 Stat. 370	4.
Oct. 24, 1832	Treaty with the Kickapoo	7 Stat. 391	7.
Oct. 27, 1832	Treaty with the Potawatomi	7 Stat. 399	4.
Feb. 14, 1833	Treaty with the Creek Nation	7 Stat. 417	5.
May 13, 1833	Treaty with the Quapaw	7 Stat. 424	3.
Sept. 21, 1833	Treaty with the Otoes and Missourias	7 Stat. 429	4.
Oct. 9, 1833	Treaty with the Pawnee	7 Stat. 448	5.
May 24, 1834	Treaty with the Chickasaw	7 Stat. 450	(2).
Dec. 29, 1835	Treaty with the Cherokee	7 Stat. 478	10, 11.
Mar. 28, 1836	Treaty with the Ottawa and Chippewa	7 Stat. 491	4(2).
Sept. 17, 1836	Treaty with the Sacs and Foxes	7 Stat. 511	3.
Oct. 15, 1836	Treaty with the Otoes, etc	7 Stat. 524	
Oct. 21, 1837	Treaty with the Sac and Fox	7 Stat. 543	2(8).
Oct. 19, 1838	Treaty with the Ioway	7 Stat. 568	2(3).
Mar. 17, 1842	Treaty with the Wyandot Nation	11 Stat. 581	4.
Oct. 4, 1842	Treaty with the Chippewa of Lake Superior and the Mississippi.	7 Stat. 591	4.
Oct. 11, 1842	Treaty with the Sac and Fox of Iowa	7 Stat. 596	2.
Jan. 4, 1845	Treaty with the Creeks and Seminoles	9 Stat. 821–822	4, 6.
Jan. 14, 1846	Treaty with the Kansas	9 Stat. 842	2.
May 15, 1846	Treaty with the Comanche, etc	9 Stat. 844	13.
June 5 and 17, 1846	Treaty with the Potawatomi	9 Stat. 853	8.
Oct. 13, 1846	Treaty with the Winnebago	9 Stat. 878	4.
Aug. 2, 1847	Treaty with the Chippewa	9 Stat. 904	3.
Oct. 18, 1848	Treaty with the Menominee	9 Stat. 952	4, 5.
Apr. 1, 1850	Treaty with the Wyandot	9 Stat. 987	
July 23, 1851	Treaty with the Sioux	10 Stat. 949	4 (2, 3, 4).
Aug. 15, 1851	do	10 Stat. 954	4 (2,3,4).
Mar. 15, 1854	Treaty with the Otoes and Missouria	10 Stat. 1038	4.
Mar. 16, 1854	Treaty with the Omaha	10 Stat. 1043	4, 13.
May 6, 1854	Treaty with the Delaware	10 Stat. 1048	5, 7.
May 10, 1854	Treaty with the Shawnees	10 Stat. 1053	3, 6.
May 12, 1854	Treaty with the Menominee	10 Stat. 1064	3.
May 17, 1854	Treaty with the Ioway	10 Stat. 1069	5, 9.
May 18, 1854	Treaty with the Kickapoo	10 Stat. 1078	2.
May 30, 1854	Treaty with the Kaskaskia, etc	10 Stat. 1082	7.
June 5, 1854	Treaty with the Miami	10 Stat. 1093	3, 4, 12, 13.
Sept. 30, 1854	Treaty with the Chippewa	10 Stat. 1109	4.
Nov. 15, 1854	Treaty with the Rogue Rivers	10 Stat. 1119	2.
Nov. 18, 1854	Treaty with the Shastas, etc	10 Stat. 1122	5.
Nov. 29, 1854	Treaty with the Umpqua, etc	10 Stat. 1125	3, 6.
Dec. 26, 1854	Treaty with the Nisqualli, etc	10 Stat. 1132	10.
Jan. 22, 1855	Treaty with the Dwamish, etc	12 Stat. 927	3, 14.
Do	Treaty with the Willamette Bands	10 Stat. 1143	2, 3.

See footnotes at end of table.

Date	Tribe	Statute	Article
Jan. 26, 1855	Treaty with the S'Klallams	12 Stat. 933	11.
Jan. 31, 1855	Treaty with the Makah Tribe	12 Stat. 939	11.
Feb. 22, 1855	Treaty with the Chippewa of Mississippi	10 Stat. 1165	3, 4.
June 9, 1855	Treaty with the Yakima	12 Stat. 1125	5.
Do	Treaty with the Walla-Wallas, etc.	12 Stat. 945	2, 4.
June 11, 1855	Treaty with the Nez Perces	12 Stat. 957	5.
June 22, 1855	Treaty with the Choctaw and Chickasaw	11 Stat. 611	13.
June 25, 1855	Treaty with the Tribes of Middle Oregon	12 Stat. 963	2, 4.
July 1, 1855	Treaty with the Qui-nai-elt, etc	12 Stat. 971	10.
July 16, 1855	Treaty with the Flathead, etc	12 Stat. 975	5.
July 31, 1855	Treaty with the Ottowas and Chippewas	11 Stat. 621	1, 2(1).
Aug. 2, 1855	Treaty with the Chippewa of Saginaw, Swan Creek and Black River.	11 Stat. 633	2.
Oct. 17, 1855	Treaty with the Blackfeet	11 Stat. 657	10.
Dec. 21, 1855	Treaty with the Molala	12 Stat. 981	2(4).
Feb. 5, 1856	Treaty with the Stockbridge and Munsee	11 Stat. 633	4, 7, 8.
Aug. 7, 1856	Treaty with the Creeks and the Seminoles	11 Stat. 699	5, 7, 8.
Sept. 24, 1857	Treaty with the Pawnees	11 Stat. 729	3.
Mar. 12, 1858	Treaty with the Poncas	12 Stat. 997	2(4).
Apr. 19, 1858	Treaty with the Yankton Tribe of Sioux	11 Stat. 743	4(4).
June 19, 1858	Treaty with the Sioux Bands	12 Stat. 1031	5.
July 16, 1859	Treaty with the Chippewa Bands	12 Stat. 1105	1, 3.
Feb. 18, 1861	Treaty with the Arapaho and Cheyenne	12 Stat. 1163	2.
Mar. 6, 1861	Treaty with the Sauk and Foxes, etc	12 Stat. 1171	5, 6.
June 24, 1862	Treaty with the Ottowa	12 Stat. 1237	6.
June 28, 1862	Treaty with the Kickapoo	13 Stat. 623	3.
Mar. 11, 1863	Treaty with the Chippewa of Mississippi and Pillager and Lake Winnibigoshish Bands.	12 Stat. 2149	13.
June 9, 1863	Treaty with the Nez Perce	14 Stat. 647	4(4), 5(1), (4).
Oct. 2, 1863	Treaty with the Chippewa (Red Lake and Pembina Bands)	13 Stat. 667	3.
May 7, 1864	Treaty with the Chippewas	13 Stat. 693	9, 13.
Oct. 14, 1864	Treaty with the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians.	16 Stat. 707	4, 5.
Oct. 18, 1864	Treaty with the Chippewas	14 Stat. 657	4.
Mar. 8, 1865	Treaty with the Winnebago	14 Stat. 671	4.
Aug. 12, 1865	Treaty with the Snake	14 Stat. 683	7, 8.
Sept. 29, 1865	Treaty with the Osage	14 Stat. 687	2, 8.
Oct. 14, 1865	Treaty with the Lower Brule Sioux	14 Stat. 699	6.
Mar. 21, 1866	Treaty with the Seminoles	14 Stat. 755	3.
Apr. 7, 1866	Treaty with the Bois Fort Band of Chippewa	14 Stat. 765	3 (2, 3).
Apr. 28, 1866	Treaty with the Choctaw and Chickasaw Nation	14 Stat. 769	9, 21, 46.
June 14, 1866	Treaty with the Creek Nation	14 Stat. 785	12. 13.
Feb. 18, 1867	Treaty with the Sauk and Foxes	15 Stat. 495	9.
Feb. 19, 1867	Treaty with the Sisseton, etc., Sioux	15 Stat. 505	6, 7.
Feb. 23, 1867	Treaty with the Senecas, etc	15 Stat. 513	10, 19. 24.
Mar. 19, 1867	Treaty with the Chippewa of the Mississippi	16 Stat. 719	3.
Oct. 21, 1867	Treaty with the Kiowa and Comanche	15 Stat. 581	4, 7, 14.
Do	Treaty with the Kiowa, Comanche and Apache	15 Stat. 589	2.
Oct. 28, 1867	Treaty with the Cheyenne and Arapaho	15 Stat. 593	4, 7, 13.
Mar. 2, 1868	Treaty with the Utes	15 Stat. 619	4, 8, 10, 15.
Apr. 29, et seq., 1868	Treaty with the Sioux Nation	15 Stat. 635	7, 9, 13.
May 7, 1868	Treaty with the Crow	15 Stat. 649	3, 7, 10.
May 10, 1868	Treaty with the Northern Cheyenne and Northern Arapaho	15 Stat. 655	4, 7.
June 1, 1868	Treaty with the Navaho	15 Stat. 667	3, 6.
July 3, 1868	Treaty with the Eastern Band Shoshoni and Bannock	15 Stat. 673	3, 7, 10.
Aug. 13, 1868	Treaty with the Nez Perce	15 Stat. 693	3.

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[1] Supplemental Articles.
[2] Art. II of Supplemental Articles.

APPENDIX H

SUPPORT OF SCHOOLS: TRIBAL FUNDS

1921—$750,000.00 For support of Indian day and industrial schools, and other educational and industrial purposes, in connection therewith, other than among the Five Civilized Tribes, there shall be expended from Indian tribal funds and from school revenues arising under the Act of May 17, 1926, not more than—

1930—$850,000.00 Provided for same as 1921.
1931—$750,000.00 Provided for same as 1921.
1932—$881,000.00 Provided for same as 1921.
1933—$803,000.00 Provided for same as 1921.
1934—$706,100.00 Provided for same as 1921.
1935—$597,550.00 Provided for same as 1921.
1936—$387,580.00 Provided for same as 1921.
1937—$330,820.00 Provided for same as 1921.
1938—$312,995.00 Provided for same as 1921.
1940—$305,250.00 Provided for same as 1921.
1941—$297,750.00 Provided for same as 1921.
1942—$327,750.00 Provided for same as 1921.
1943—$334,375.00 Provided for same as 1921.
1944—$340,190.00 Provided for same as 1921.
1945—$377,810.00 Provided for same as 1921.
1946—$370,000.00 Provided for same as 1921.

1947—$410,000.00 Support of Indian schools (tribal funds): For the support of Indian schools, and for other educational purposes, including care of Indian children of school age attending public and private schools, tuition and other assistance for Indian pupils attending public schools and support and education of deaf, dumb, or blind, physically handicapped, delinquent, or mentally deficient Indian children, there may be expended from Indian tribal funds and from school revenues arising under the Act of May 17, 1926 (U.S.C. 155), not more than—

1948—$512,000.00 Provided for same as 1947.
1949—$712,000.00 Provided for same as 1947.
1950—$1,014,000.00 Provided for same as 1947.

APPENDIX I

ANNUAL APPROPRIATIONS MADE FOR GENERAL EDUCATION FUND (1871–1950)

For the support of industrial and other schools among the Indian tribes not otherwise provided for, to be expended under the direction of the Secretary of the Interior in the following fiscal years:

1871—$100,000.00.

1872—Not available.

1873—That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to apply the balance on hand of the appropriation of $100,000, made by the Act of July 15, 1870 (Indian Appropriations Act for fiscal year 1871), etc., at such time, in such sums, and for such tribes and bands, as, in his opinion, may be required.

1874—Not available.

1875—Not available.

1876—Not available.

1877—For this amount, for the support of industrial schools and other educational purposes for the Indian tribes. $20,000.00.

1878—For the support of schools not otherwise provided for, for the support of industrial schools, and for other educational purposes for the Indian tribes. $30,000.00.

1879—$60,000.00 For the support of industrial schools and for other educational purposes for the Indian tribes.

1880—$75,000.00.

1881—$75,000.00.

1882—$85,000.00 ($1,000.00 to Capt. Pratt, Carlisle, Pa).

1883—$150,000.00.

1884—$400,000.00 For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for.

1885—$510,000.00 For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, and in pursuance of treaty obligations.

1886—$530,000.00 For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for.

1887—$650,000.00 For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for.

1888—$650,000.00.

1889—$685,000.00.

1890—Not available.

1891—$775,870,000 Includes pay of draftsman for office of C. of I.A.

1892—$1,000,000.00 For support of Indian day and industrial schools and for other educational purposes not hereinafter provided for.

1893—$1,075,000.00.

1894—$1,075,000.00 For support of Indian day and industrial schools and for other educational-purposes not hereinafter provided for including pay of draftsman to be employed in the office of C. of I.A. . . . of which sum at least $150,000 may be expended in the establishment and support of primary day schools upon or near Indian reservations in addition to the day schools already established.

1895—$1,000,000.00 For support of Indian day and industrial schools and for educational purposes not hereinafter provided for, including pay of draftsman to be employed in office of the C. of I.A. . . . of which amount the Secretary of the Interior may in his discretion use $5,000 for education of Indian in Alaska.

1896—$1,164,350.00 For support of Indian day and industrial schools, and for other educational purposes, including the purchase, lease, repair and construction of school buildings, including the expenses of advertising for bids for the erection of such buildings not hereinafter provided for, including pay of draftsman at $1,500 per annum, to be employed in the office of C. of I.A. . . . of which amount the Secretary of the Interior may, in his discretion, use $5,000 for education of Indians in Alaska.

1897—$1,235,000.00 For support of Indian day and industrial schools, and for other educational purposes, not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of C. of I.A. . . . of which . . . education of Indians in Alaska.

1898—$1,200,000.00 Provided for same as fiscal year 1897.

1899—$1,100,000.00 Provided for same as fiscal year 1897.

1900—$1,100,000.00 For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of an architect, a draftsman, and a laborer, to be employed in the office of the C. of I.A. . . . of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska.

1901—$1,200,000.00 Provided for same as fiscal year 1900.

1902—$1,220,000.00 Provided for same as fiscal year 1900.

1903—$1,240,000.00 Provided for same as fiscal year 1900.

1904—$1,240,000.00 Provided for same as fiscal year 1900.

1905—$1,240,000.00 Provided for same as fiscal year 1900.

1906—$1,300,000.00 Provided for same as fiscal year 1900.

1907—$1,300,000.00 Provided for same as fiscal year 1900.

1908—$1,300,000.00 Provided for same as fiscal year 1900.

1909—$1,400,000.00 Provided for same as fiscal year 1900.

1910—$1,425,000.00 Provided for same as fiscal year 1900.

1911—$1,420,000.00 For support of Indian day and industrial schools, not otherwise provided for, and for educational and industrial purposes in connection therewith.

1912—$1,420,000.00 Provided for same as fiscal year 1911.

1913—$1,420,000.00 For support of Indian day and industrial schools, not otherwise provided for, and for educational and industrial purposes in connection therewith. . . . N.B. provision for quarter-blood requirement.

1914—$1,420,000.00 Provided for same as fiscal year 1913.

1915—$1,550,000.00 For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including for the support and education of deaf and dumb and blind Indian children not to exceed $40,000. . . . *Provided*, (quarter-blood requirement) : *Provided further*, that no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made: *Provided further*, that not more than $20,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in public schools.

1916—$1,560,000.00 Provided for same as fiscal year 1915.

1917—$1,550,000.00 For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including for the support and education of deaf and dumb and blind Indian children not to exceed $40,000. . . . *Provided*, (quarter-blood requirement) : *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made: *Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in public schools.

1918—$1,600,000.00 Provided for same as fiscal year 1917.

1919—$1,650,000.00 Provided for same as fiscal year 1917.

1920—$1,750,000.00 Provided for same as fiscal year 1917.

1921—$1,600,000.00 Provided for same as fiscal year 1917.

1922—$1,700,000.00 For support of Indian day and industiral schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including for the support and education of deaf, dumb, blind, and mentally deficient Indian children not to exceed $40,000 . . . *Provided*, (quarter-blood requirement) : *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made. *Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in public schools.

1923—$1,675,000.00 Provided for same as fiscal year 1922.

1924—$1,799,500.00 Provided for same as fiscal year 1922, except that $250,000.00 is allowed for tuition of Indian children in public schools.

1925—$2,000,000.00 provided for same as fiscal year 1922, except that an amount not to exceed $350,000.00 is allowed for the tuition of Indian children enrolled in public schools.

1926—$2,445,000.00 Provided for same as fiscal year 1922, except that $350,000.00 is allowed for tuition of Indian children enrolled in public schools.

1927—$2,454,700.00 Provided for same as fiscal year 1922, except that an amount not to exceed $25,000 is allowed for the deaf, dumb, blind and mentally deficient Indian children; and an amount not to exceed $35,000.00 is allowed for the tuition of Indian children enrolled in public schools.

1928—$2,429,700.00 Provided for same as fiscal year 1922, except that an amount not to exceed $10,000.00 is allowed for the deaf, dumb, blind and mentally deficient Indian children; and an amount not to exceed $350,000.00 is allowed for the tuition of Indian children enrolled in public schools.

1929—$2,525,000.00 Provided for same as fiscal year 1922, except that an amount not to exceed $10,000.00 is allowed for the deaf, dumb, blind and mentally deficient Indian children; and an amount not to exceed $375,000.00 is allowed for the tuition of Indian children enrolled in public schools.

1930—$2,850,000.00 Provided for same as fiscal year 1922, except that an amount not to exceed $10,000.00 is allowed for the deaf, dumb, blind and mentally deficient Indian children; an amount not to exceed $400,000.00 is allowed for the tuition of Indian children enrolled in public schools; and $6,500 is allowed for library books.

1931—$3,267,000.00 Provided for same as fiscal year 1922, except that an amount not to exceed $10,000.00 is allowed for the deaf, dumb, blind and mentally deficient Indian children; an amount not to exceed $450,000.00 is allowed for the tuition of Indian children enrolled in public schools; and $6,500.00 is allowed for library books.

1932—$3,528,500.00 Provided for same as fiscal year 1922, except that an amount not to exceed $10,000.00 is allowed for the deaf, dumb, blind and mentally deficient Indian children; an amount not to exceed $475,000.00 is allowed for the tuition of Indian children enrolled in public schools; and $6,500.00 is allowed for library books.

1933—$3,521,500.00 Provided for same as fiscal year 1922, including tuition for Indian pupils attending public schools, $15,000 for the deaf, dumb, blind and mentally deficient Indian children, and $10,000 for tuition in higher education instruction.

1934—$3,590,800.00 Provided for same as fiscal year 1922, except that an amount not to exceed $15,000.00 is allowed for the deaf, dumb, blind and mentally deficiena Indian children; an amount not to exceed $10,000.00 is allowed for tuition in higher education institutions.

1935—$3,831,450.00 Provided for same as fiscal year 1922, including tuition for Indian pupils attending public schools, $15,000.00 for the deaf, dumb, blind and mentally deficient Indian children, and $15,000.00 is allowed for tuition in higher education institutions.

1936—$4,609,145.00 Provided for same as fiscal year 1935.

1937—$5,379,820.00 For the support of Indian schools not otherwise provided for, and other educational and industrial purposes in connection therewith, including educational facilities authorized by treaty provisions, care of children of school age attending private schools, and tuition for Indian pupils attending public schools, $15,000.00 for the deaf, dumb, blind and mentally deficient Indian children, and $15,000.00 for tuition of Indian pupils for higher education institutions.

1938—$5,896,950.00 For the support of Indian schools not otherwise provided for, and other educational and industrial purposes in connection therewith, including educational facilities authorized by treaty provisions, care of children of school age attending private schools, and tuition for Indian pupils attending public schools, $20,000.00 for the deaf, dumb, blind and mentally deficient Indian children, and $15,000.00 for tuition of Indian students for higher education institutions.

1939—$5,957,165.00 Provided for same as fiscal year 1938.

1940—$6,034,790.00 For the support of Indian schools not otherwise provided for, and for other Indian educational purposes, including apprentice teachers for reservation and non-reservation schools, educational facilities authorized by treaty provisions care of Indian children of school age attending public and private schools and tuition and other assistance for Indian pupils attending public schools; $20,000.00 for the deaf, dumb, blind and mentally deficient Indian children; and $15,000.00 for tuition in higher education institutions.

1941—$6,015,000.00 Provided for same as fiscal year 1940.

1942—$5,961,590.00 Provided for same as fiscal year 1940.

1943—$5,822,505.00 For the support of Indian schools not otherwise provided for, and for other Indian educational purposes including apprentice teachers for reservation and non-reservation schools, educational facilities, authorized by treaty provisions, care of Indian children of school age attending public and private schools, support and education of deaf, dumb, blind, physically handicapped, delinquent or mentally deficient Indian children; for subsistance of pupils in boarding schools during summer months, for the tuition (which may be paid in advance) of Indian pupils attending vocational or higher educational institutions under such rules and regulations as the Secretary of the Interior may prescribe; and tuition and other assistance for Indian pupils attending public schools.

1944—$5,864,665.00 Provided for same as fiscal year 1943.

1945—$6,066,940.00 Provided for same as fiscal year 1943.

1946—$5,417,190.00 Provided for same as fiscal year 1943.

1947—$10,000,000.00 Education of Indians; for the support and education of Indian pupils in boarding and day schools and for other educational purposes, including educational facilities authorized by treaty provisions, tuition, care and other expenses of Indian pupils attending public and private schools; support and education of deaf, dumb, blind, mentally deficient, or physically handicapped; the tuition (which may be paid in advance) and other assistance of Indian pupils attending vocational or higher educational institutions under such regulations as the Secretary may prescribe, etc.

1948—$11,139,700.00 Provided for same as fiscal year 1947.

1949—$10,100,000.00 Provided for some as fiscal year 1947.

1950—$12,982,000.00 Provided for same as fiscal year 1947.

APPENDIX J

SUBSTANTIVE PROVISIONS CONTAINED IN INDIAN APPROPRIATIONS ACTS WHICH AFFECT EDUCATION

April 10, 1869 (16 Stat. 13) Indian Appropriations Act

That there be appropriated the further sum of two millions of dollars, or so much thereof as may be necessary, to enable the President to maintain the peace among and with the various tribes, bands, and parties of Indians, and to promote civilization among said Indians, bring them, where practicable, upon reservations, relieve their necessities, and encourage their efforts at self-support; a report of all expenditures under this appropriation to be made in detail to Congress in December next; and for the purpose of enabling the President to execute the powers conferred by this act, he is hereby authorized, at his discretion, to organize a board of commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, who may, under his discretion, exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act or any part thereof that the President may designate.

July 15, 1870 (16 Stat. 335) Indian Appropriations Act

For the support of industrial and other schools among the Indian tribes not otherwise provided for, to be expended under the direction of the Secretary of the Interior ($100,000).

June 22, 1874 (18 Stat. 146) Indian Appropriations Act, Section 9

That the several appropriations here made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulations, may be diverted to other uses for the benefit of various Indian tribes, within the discretion of the President, and with the consent of said tribes expressed in the usual manner; and that he cause report to be made to Congress, at the next session thereafter, of his action under this provision.

August 15, 1876 (19 Stat. 176) Indian Appropriations Act, Miscellaneous Provisions

For this amount, for the support of industrial schools and other educational purposes for the Indian tribes ($20,000).

May 11, 1880 (21 Stat. 114) Indian Appropriations Act, Miscellaneous Provisions

Provided, That the Secretary of the Interior be, and he is hereby, authorized, whenever it can be done advantageously, to purchase for use in the Indian service, from Indian manual and training schools, in the manner customary among individuals, such articles as may be manufactured at such schools, and which are used in the Indian service. Accounts of such transactions shall be kept in the Indian Bureau and in the training schools, and reports thereof made from time to time.

Provided, That teachers and Indians employed at agencies in any capacity shall not be construed as part of agency employees named in section 5 of the act making appropriations for the Indian service for the fiscal year ending June 30, 1876, approved March 3, 1875.

March 3, 1881 (21 Stat. 485) Indian Appropriations Act, Miscellaneous Provisions

For support of industrial schools and for other educational purposes for the Indian Tribes ($85,000).

And out of this sum the Secretary of the Interior may make and pay such allowance, not exceeding the rate of one thousand dollars a year, as he shall think just, to Captain R. H. Pratt, in charge of the school at Carlisle, Pennsylvania, from and after the passage of this act.

May 17, 1882 (22 Stat. 68) Indian Appropriations Act

The President is authorized to appoint a person to inspect all Indian schools, who is hereby required to report a plan for carrying into effect, in the most economical and efficient manner, all existing treaty stipulations for the education of Indians, with careful estimates of the cost thereof; also a plan and estimates for educating all Indian youths for whom no such provision now exists, and estimates of what sums can be saved from existing expenditures for Indian support by the adoption of such plan, whose compensation shall not exceed $3,000, which sum is hereby appropriated for that purpose, and also a further sum of $1,500 for his necessary traveling expenses.

And the Secretary of the Interior is further authorized and directed to provide for the care, support, and education of one hundred Indian children not belonging to the five civilized tribes in the Indian Territory at any established industrial, agricultural, or mechanical school or schools other than those herein provided for, in any of the States of the United States, such schools to be selected by him from applications made to him at a cost not exceeding $167 per annum for each child; and for this purpose there is hereby appropriated the sum of $17,000.

Or so much thereof as may be necessary; *Provided*, That not more than twenty of said pupils shall be educated in any one State.

March 1, 1883 (22 Stat. 433) Indian Appropriations Act, Miscellaneous Provisions

For care and support and education of Indian children at industrial, agricultural, or mechanical schools other than those herein provided for in any of the States of the United States, at a cost of not exceeding $167 for each child.

And of this amount not exceeding $10,000 may be used for transportation of Indian children to and from said schools and also for the placing of children from all the Indian schools with the consent of their parents under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training for a term of not less than three years under arrangements in which their proper care, support, and education shall be in exchange for their labor.

July 4, 1884 (23 Stat. 76) Indian Appopriations Act, For Support of Schools

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, and in pursuance of treaty obligations ($510,000).

Section 9.—That hereafter each Indian agent be required in his annual report, to submit a census of the Indians at his agency or upon the reservation under his charge, the number of males above eighteen years of age, the number of school children between the ages of six and sixteen years, the number of schoolhouses at his agency, the number of schools in operation and the attendance at each, and the names of teachers employed and salaries paid such teachers.

March 3, 1885 (23 Stat. 362) Indian Appropriations Act, For Support of Schools

For care, support, and education of Indian pupils at industrial, agricultural, mechanical, or other schools, other than those herein provided for, in any of the States or Territories of the United States, at a rate not to exceed $167 for each pupil ($83,500).

And wherever the word "children" or "child" occurs in that part of the act making appropriations for the Indian service for the fiscal year 1885, approved July 4, 1884, under the heading "Support of schools," it shall be construed to include all Indians of whatever age that may have been or are pupils in any of the institutions therein provided for.

For transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for the labor ($28,000).

March 3, 1885 (23 Stat. 362) Indian Appropriations Act, Support of Schools Provisions

And provided further, That the school year of each pupil in the Indian schools herein appropriated for shall be held to include all usual and necessary vacations: *And provided further*, That the Secretary of the Interior shall report annually on or before the first Monday of December of each year in what manner and for what purposes the general educational fund for the preceding fiscal year has been expended, and said report shall embrace number and kind of school houses erected and their cost, as well as cost of repairs, names of every teacher employed and compensation allowed, the location of each school and the average attendance at each school, and the first of said annual reports shall give a like full and detailed statement of all such expenditures heretofore made.

May 15, 1886 (24 Stat. 29) Indian Appropriations Act, For Support of Schools

And provided further, That the school year of the Indian schools herein appropriated for shall be held to include all usual and necessary vacations: *And provided further*, That the Secretary of the Interior shall report annually, on or before the first Monday of December of each year, in what manner and for what purposes the general education fund for the preceding year has been expended; and said report shall embrace the number and kind of school houses erected, and their cost, as well as cost of repairs, names of every teacher employed, and compensation allowed, the location of each school, and the average attendance at each school: *Always provided*, That no part of the money appropriated by this act shall be expended in the transportation from or support of Indian pupils or children off their reservations, respectively, if removed without the free consent of their parents or those standing in that relation to them by their tribal laws, respectively.

March 2, 1887 (24 Stat. 449) Indian Appropriations Act, Miscellaneous Provisions

That the Secretary of the Interior is hereby authorized to use the money which has been or may hereafter be covered into the Treasury under the provisions of the act approved March 3, 1883, and which is carried on the books of that Department under the caption of "Indian moneys, proceeds of labor," for the benefit of the several tribes on whose account said money was covered in, in such way and for such purposes as in his discretion he may think best, and shall make annually a detailed report thereof to Congress.

June 29, 1888 (25 Stat. 217) Indian Appropriations Act, For Support of Schools

That in the expenditure of any money appropriated in this act for any of the purposes of education of Indian children, those children of Indians who have taken lands in severalty under any existing law, shall not, by reason thereof, be excluded from the benefits of such appropriations.

Section 8.—That there shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be superintendent of Indian schools, who shall, from time to time, and as often as the nature of his duties will permit, visit the schools where Indians are taught, in whole or in part, by appropriations from the United States Treasury, and shall, from time to time, report to the Secretary of the Interior, what, in his judgment, are the defects, if any, in any of them in system, in administration, or in means for the most effective advancement of the children in them toward civilization and self-support; and what changes are needed to remedy such defects as may exist; and shall, subject to the approval of the Secretary of the Interior, employ and discharge superintendents, teachers, and any other person connected with schools wholly supported by the Government, and with like approval make such rules and regulations for the conduct of such schools as in his judgment their good may require. The Secretary of the Interior shall cause to be detailed from the employees of his Department such assistants and shall furnish such facilities as shall be necessary to carry out the foregoing provisions respecting said Indian schools.

Section 10.—That at day or industrial schools sustained wholly or in part by appropriations contained in this act, and at which schools church organizations are assisting in the educational work, the christian bible may be taught in the native language of the Indians, if in the judgment of the persons in charge of the schools it may be deemed conducive to the moral welfare and instruction of the pupils in such schools.

That there shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be Superintendent of Indian Schools, whose duty it shall be to visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs, what, in his judgment, are the defects, if any, in any of them, in system, administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist, and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior, and section eight of the act entitled, "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," approved June twenty-nine, eighteen hundred and eighty-eight, is (is) hereby repealed.

March 3, 1891 (26 Stat. 989) ***Indian Appropriations Act, Support of Schools***

For collecting and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor ($40,000). ***Provided***, That at least five hundred and thirty-five thousand dollars of the money appropriated for the support of school (schools) by this act shall be used exclusively for the support and education of Indian pupils in industrial and day schools in operation under contracts with the Indian Bureau.

And the Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, is hereby authorized and directed to make and enforce by proper means such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit.

That the expenditure of the money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Secretary of the Interior, and in all respects in conformity with such methods of instruction and expenditure of money as may from time to time be prescribed by him.

July 13, 1892, (27 Stat. 120) ***Indian Appropriations Act, Section 9***

The Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial, and boarding school, which are supported in whole out of the appropriations in this act; giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid. Also number of employees in his office here in Washington; when employed, in what capacity employed, male or female, full name, amount of compensation paid, and out of what fund paid, and under what law employed.

March 3, 1893 (27 Stat. 612) Indian Appropriations Act, Support of Schools

Hereafter the Secretary of the Interior may in his discretion withhold rations, clothing and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of each year.

Section 11.—That no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child if either of them are living, and if neither of them are living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation.

March 2, 1895 (28 Stat. 876) Indian Appropriations Act, Support of Schools

Provided, That the Secretary of the Interior shall make contracts, but only with present contract schools, for the education of Indian pupils during the fiscal year ending June thirtieth, eighteen hundred and ninety-six, to an extent not exceeding eighty per centum of the amount so used for the fiscal year eighteen hundred and ninety-five, and the Government shall, as early as practicable, make provision for the education of Indian children in Government schools: *Provided*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

June 10, 1896 (29 Stat. 321) Indian Appropriations Act, Support of Schools

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school: *Provided*, That the Secretary of the Interior may make contracts with contract schools apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during fiscal year eighteen hundred and ninety-seven, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding fifty per centum of the amount so used for the fiscal year eighteen hundred and ninety-five: *Provided further*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

That the Commissioner of Indian Affairs shall employ Indian girls as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is practicable to do so.

June 7, 1897 (30 Stat. 62) Indian Appropriations Act

Provided further, That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency, whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

April 21, 1904 (33 Stat. 189) Indian Appropriations Act, Support of Schools

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and making provision for the attendance of children of non-citizens therein, and the establishment of new schools under the control of the tribal school boards and the Department of the Interior, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior and disbursed by him under such rules and regulations as he may prescribe.

Section 7.—That no part of the moneys herein appropriated for fulfilling treaty stipulations shall be available or expended unless expended without regard to the attendance of any beneficiary at any school other than a Government school.

June 21, 1906 (34 Stat. 325) Indian Appropriations Act, General Provisions

Mission schools on an Indian reservation may, under rules and regulations prescribed by the Commissioner of Indian Affairs, receive for such Indian children duly enrolled therein, the rations of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents.

The Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to select and designate some one of the schools or other institution herein specifically provided for as an "Indian Reform School," to make all needful rules and regulations for its conduct, and the placing of Indian youth therein; *Provided*, That the appropriation for collection and transportation, and so forth, of pupils and the specific appropriation for such school so selected shall be available for its support and maintenance: *Provided further*, That the consent of parents, guardians, or next of kin shall not be required to place Indian youth in said school.

March 1, 1907 (34 Stat. 1015) Indian Appropriations Act, General Provisions

That hereafter where there is Government property on hand at any of the Indian reservations or schools not required for the use or benefit of the Indians of said reservations or schools, the Secretary of the Interior is hereby authorized to move such property to other Indian reservations or schools where it may be required.

That hereafter white children may, under rules and regulations prescribed by the Commissioner of Indian Affairs, be admitted to any Indian day school: *Provided*, That the tuition fees charged for such children shall in no case exceed the tuition fees allowed or charged by the State or county in which such school is situated for the children admitted in the common schools of such State or county: *And provided further*, That all tuition fees paid for white children enrolled in Indian day schools shall be deposited in the United States Treasury to reimburse the funds out of which the schools last mentioned are maintained.

Miscellaneous Provisions.—That the provisions of section thirty-seven hundred and eighty-six of the Revised Statutes of the United States shall not hereafter apply to such work of the Indian Department as can be executed at the several Indian schools.

March 3, 1909 (35 Stat. 781) Indian Appropriations Act, General Provisions

Provided, That no Indian pupil under the age of fourteen years shall be transported at government expense to any Indian school beyond the limits of the State or Territory in which the parents of such child reside or of the adjoining State or Territory: *Provided further*, That hereafter white children may, under rules prescribed by the Commissioner of Indian Affairs, be admitted to Indian boarding schools on the payment of tuition fees at a rate to be fixed in said rules: *Provided further*, That all tuition fees paid for white children so enrolled shall be deposited in the United States Treasury to reimburse the fund out of which the school is supported.

March 3, 1911 (36 Stat. 1058) Indian Appropriations Act

Provided still further, That the Secretary of the Interior shall close the account known as the civilization fund created by article one of the treaty with the Osage Indians, dated September twenty-ninth, eighteen hundred and sixty-five, (14 Stat. L. 687), and cause the balance of any unexpended moneys in that fund to be covered into the Treasury, and thereafter it shall not be withdrawn or applied except in consequence of a subsequent appropriation by law; and that section eleven of the Indian Appropriation Act for the fiscal year eighteen hundred and ninety-eight, approved June 7, 1897 (30 Stat. L. 93) is hereby repealed.

August 24, 1912 (37 Stat. 518) Indian Appropriations Act

Provded, That hereafter employees of Indan schools may be allowed, in addition to annual leave, educational leave not to exceed fifteen days per calendar year for attendance at educational gatherings, conventions, institutions, or training schools, if the interests of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred.

Provided further, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood, whose parents are citizens of the United States and the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood.

August 1, 1914 (38 Stat. 582) Indian Appropriation Act

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including for the support and education of deaf and dumb and blind Indian children not to exceed $40,000 ($1,550,000).

Provided further, That no more than $20,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

Provided further, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

May 18, 1916 (39 Stat. 123) Indian Appropriations Act, Section 27

Provided, That thereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect.

May 25, 1918 (40 Stat. 561) Indian Appropriations Act, Support of Indian Schools

Provided further, That hereafter no appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided.

May 26, 1918 (40 Stat. 561) Indian Appropriations Act, Section 28

The said Secretary is also authorized, under such rules and regulations as he may prescribe, to withdraw from the Treasury and deposit in banks in the State or States in which the tribe is located to the credit of the respective tribes, such common, or community, trust funds as are not susceptible of segregation as aforesaid, and on which the United States is not obligated by law to pay interest at higher rates than can be procured from the banks. . . . *And provided further*, That any part of tribal funds required for support of schools or pay of tribal officers shall be excepted from segregation or deposit as herein authorized and the same shall be expended for the purposes aforesaid.

February 14, 1920 (41 Stat. 408) Indian Appropriations Act, Support of Indian Schools

Provided, That all reservation and non-reservation boarding schools, with an average attendance of less than forty-five and eighty pupils, respectively, shall be discontinued on or before the beginning of the fiscal year 1921. The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or non-reservation boarding schools, to the limit of the capacity of said schools; *Provided further*, That all day schools with an average attendance of less than eight be, and are hereby, discontinued on or before the beginning of the fiscal year 1921; *And provided further*, That all moneys appropriated for any school discontinued pursuant to this Act or for other cause, shall be returned immediately to the Treasury of the United States; *Provided further*, That hereafter the Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools.

June 5, 1924 (43 Stat. 390) Indian Appropriations Act, Education

And provided further, That not more than $350,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools under such rules and regulations as the Secretary of the Interior may prescribe, but formal contracts shall not be required for compliance with section 3744 of the Revised Statutes.

March 7, 1928 (45 Stat. 200) Indian Appropriations Act, Education

For the support of Indian day and industrial schools, and other educational and industrial purposes in connection therewith, other than among the Five Civilized Tribes, there shall be expended from Indian tribal funds and from school revenues arising under the Act of May 17, 1926, not more than $750,000.

March 4, 1929 (45 Stat. 1562) Indian Appropriations Act, Education

Provided further, That not less than $6,500 of the amount herein appropriated shall be available only for the purchase of library books.

February 14, 1931 (46 Stat. 1115) Indian Appropriations Act, Industrial Assistance and Advancement

Provided further, That advances may be made to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years, under such rules and regulations as the Secretary of the Interior may prescribe.

April 22, 1932 (47 Stat. 91) Indian Appropriations Act, Education

Provided further, That not more than $10,000 of the amount herein appropriated may be expended for the tuition of Indian pupils attending higher educational institutions, under such rules and regulations as the Secretary of the Interior may prescribe, but formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (U.S.C., title 41, sec. 16), for payment of tuition of Indian pupils attending public schools, higher educational institutions, or schools for the deaf and dumb, blind, physically handicapped, or mentally deficient.

Provided further, . . . not to exceed $10,000 may be expended under rules and regulations of the Secretary of the Interior, in part payment of truancy officers in any county or two or more contiguous counties where there are five hundred or more Indian children eligible to attend school and not to exceed $10,000 may be expended in the discretion of the Secretary of the Interior for the payment of salaries of public-school teachers employed by the State or county in special Indian day schools in full blood Indian communities where there are not adequate white day schools available for their attendance.

May 9, 1935 (49 Stat. 176) Indian Appropriations Act, Education

For loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools, in accordance with the provisions of the Act of June 18, 1934, (48 Stat. p. 986), $175,000 reimbursable: *Provided,* That not more than $35,000 of such sum shall be available for loans to Indian students in high schools and colleges.

June 22, 1936 (49 Stat. 1757) Indian Appropriations Act, Education

For reimbursable loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools, including colleges and universities offering recognized vocational, trade, and professional courses, in accordance with the provisions of the Act of June 18, 1934 (48 Stat., p. 986), the unexpended balance of the appropriation for the fiscal year 1936 is continued available until June 30, 1937: *Provided,* That not more than $50,000 of such unexpended balance shall be available for loans to Indian students pursuing liberal-arts courses in high schools and colleges. Construction, enlargement, or improvement of public-school buildings: The unexpended balance of the appropriation of $931,000 contained in the Second Deficiency Appropriation Act, fiscal year 1935, for cooperation with public-school districts in the construction, enlargement, or improvement of local public elementary or high schools, including purchase of necessary equipment, as authorized by and in conformity with numerous Acts of the Seventy-fourth Congress approved June 7, 1935, and June 11, 1935, is hereby continued available for the same purposes and under the same conditions until June 30, 1937.

APPENDIX K

SURVEY OF RECOMMENDATIONS OF 6 NATIONAL STUDIES COMPLETED FROM 1928-74

	ACKO, Inc. 1974 [1]	NAACP, 1971 [2]	Havighurst, 1970 [3]	Kennedy 1969 [4]	Brophy & Aberle, 1966 [5]	Meriam, 1928 [6]
Adult education:						
1. Integrate with BIA education programs				X		X
2. Programs under community control				X		
3. Include practical and meaningful curriculum; use modern teaching techniques.				X	X	
4. Determine need for adult education courses, i.e., extent of adult illiteracy.				X		
Bilingual Education Act, title VII:						
1. Needs sufficient funding				X		
2. Include schools operated by nonprofit institutions.				X		
3. BIA schools undertake bilingual education programs on their own.				X		
4. BIA prepare and submit proposals to OE as States do.				X		
Boarding schools:						
1. Counselors and staff members need to be sensitized about Indian affairs.			X	X	X	X
2. Need more dormitory attendants; provide higher pay.			X	X		X
3. Location of schools and pattern of student placement needs reexamination.				X		
4. Replace elementary schools with day schools			X	X		
Bureau of Indian Affairs:						
1. Implement standardized accounting and reporting system.	X	X		X		
2. BIA needs to monitor federally funded programs.	X	X				
3. Assistant Commissioner for Education be given responsibilities as superintendent of Federal schools.				X		
4. BIA and OE coordinate efforts and involve tribal groups.	X					
5. Educational budget needs development of adequate standards.		X		X		
6. BIA review all JOM regulations and guidelines.	X	X				
7. BIA require Indian involvement from everyone in the community.	X	X				X
8. BIA should disseminate information regarding all available sources of Federal funding for education.		X				
9. Evaluate educational systems at all Indian schools.				X		X
10. Examine need for teacher training for Indian children.			X		X	
Census: 1. Accurate census needed for number of Indian children						X
Community schools:						
1. Reestablish community schools					X	
2. Return BIA schools to tribal control rather than to state of LEA, control	X					
3. Federal education funds be spent for development of tribal educational institutions.	X					
Finance:						
1. Need adoquate funding at al levels				X		X
2. Advance funding notice given in order to establish adquate personnel andjstructure for programs	X			X		
3. Basic education funds be provided for basic support	X					
4. More equitable distribution process of all BIA education funds	X					
5. Indian capital resources be utilized for permanent support of education						X

See footnotes at end of table.

SURVEY OF RECOMMENDATIONS OF 6 NATIONAL STUDIES COMPLETED FROM 1928-74—Continued

	ACKCO, Inc., 1974[1]	NAACP, 1971[2]	Havighurst, 1970[3]	Kennedy 1969[4]	Brophy & Aberle, 1966[5]	Meriam, 1928[6]
Finance—Continued						
6. Funds be channeled through Indian community directly and not LEA	X					
7. State departments held responsible for monitoring funds designated for Indians		X	X			
Johnson O'Malley:						
1. Should not be used for basic support	X	X				
2. BIA and OE monitor JOM funding and involve tribal groups.	X			X		
3. Money be channeled through the tribes by direct contract.	X	X		X		
4. Use JOM monies for curriculum development relevant to Indian culture; training of teachers for Indians.	X	X		X		
5. Advanced funding notice given	X					
6. Provide additional funds for JOM		X	X			
7. Number of States receiving JOM increased and include urban Indians.	X		X			
8. Provide technical assistance and training to Indians.	X		X	X		
National goals:						
1. Provide adequate basic education in bicultural setting.	X					
2. Define Indian education goals and relate specific programs.	X					X
3. Equal and adequate educational opportunities to all children.	X					
4. Indian participation in all educational programs.				X		
5. Provide adult educational programs to eliminate adult illiteracy.				X		
6. Improve dropout rates and achievement level.				X		
7. More Indian participation in higher education.				X		
8. Provide bilingual/bicultural resources				X		
9. Provides vocational and technical education				X		
National policy:						
1. Place Indian education under Indian control			X	X		
2. Adhere to the constitutional right to education.	X					
3. Establish educational excellence for Indians with sufficient funds to carry out.				X	X	
Parental involvement:						
1. Parents need to concern themselves with child's attendance and the importance of education.			X		X	X
2. Provide advisory services to Indian families			X			X
3. Develop teacher/parent relationships, parent involvement.			X	X	X	X
Urban school systems:						
1. OE should consider unique needs of the urban Indian.	X					
2. Need Indian education specialists for schools of small Indian populations for various programs.			X			
3. Need special program for the adjustment to the city.			X			

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[1] ACKO, Inc.: "So That All Indian Children Will Have Equal Opportunity."
[2] NAACP Legal Defense and Educational Level, Inc. "An Even Chance."
[3] Havighurst: "The National Study of American Indian Education."
[4] Kennedy: "A National Tragedy."
[5] Brophy & Aberle: "The Indian: America's Unfinished Business."
[6] Meriam: "The Meriam Report."

APPENDIX L

AUTHORIZING FEDERAL STATUTES PERTINENT TO INDIAN EDUCATION, BUREAU OF INDIAN AFFAIRS

25 U.S.C. § 2, Act of July 9, 1832, 4 Stat. 564

Duties of Commissioner of Indian Affairs: The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations. R.S. § 463.

25 U.S.C. § 295, Act of April 30, 1908, 35 Stat. 72

Supervision of Expenditure of Appropriations for School Purposes: All expenditure of money appropriated for school purposes among the Indians, shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior. Apr. 30, 1908, c. 153, 35 Stat. 72.

25 U.S.C. § 297, Act of May 25, 1918, 40 Stat. 564

Expenditure for Children With Less Than One-Fourth Indian Blood: No appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided. May 25, 1918, c. 86, § 1, 40 Stat. 564.

25 U.S.C. § 282, Act of February 14, 1920, 41 Stat. 410

Regulations by Secretary of Interior to Secure Attendance at School: The Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools. Feb. 14, 1920, c. 75, § 1, 41 Stat. 410.

25 U.S.C. § 13, Act of November 2, 1921, 42 Stat. 208

Expenditure of Appropriations by Bureau of Indian Affairs: The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs. Nov. 2, 1921, c. 115, 42 Stat. 208.

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25 U.S.C. § 231, Act of February 15, 1929, 45 Stat. 1185

Enforcement of State Laws Affecting Health and Education; Entry of State Employees on Indian Lands: The Secretary of the Interior, under such rules and regulations as he may prescribe, shall permit the agents and employees of any State to enter upon Indian tribal lands, reservations, or allotments therein (1) for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or (2) to enforce the penalties of State compulsory school attendance laws against Indian children, and parents, or other persons in loco parentis except that this subparagraph (2) shall not apply to Indians of any tribe in which a duly constituted governing body exists until such body has adopted a resolution consenting to such application. Feb. 15, 1929, c. 216, 45 Stat. 1185; Aug. 9, 1946, c. 930, 60 Stat. 962.

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25 U.S.C. § 471, Act of June 18, 1934, 48 Stat. 986

Vocational and Trade Schools; Appropriation for Tuition: There is hereby authorized to be appropriated, out of any funds in the limited States Treasury not otherwise appropriated, a sum not to exceed $250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools; Provided, that not more than $50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs. June 18, 1934, c. 576, § 11, 48 Stat. 986.

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25 U.S.C. § 452–454, Act of June 4, 1936, 48 Stat. 596

Contracts for Education, Medical Attention, Relief and Social Welfare of Indians: The Secretary of the Interior is authorized, in his discretion, to enter into a contract or contracts with any State or Territory, or political subdivision thereof, or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the agencies of the State or Territory or of the corporations and organizations hereinbefore named, and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory. Apr. 16, 1934, c. 147, § 1, 48 Stat. 596; June 4, 1936, c. 490, 49 Stat. 1458.

Same; use of Government Property by States and Territories: The Secretary of the Interior, in making any contract authorized by sections 452–454 of this title, may permit such contracting party to utilize, for the purposes of said sections, existing school buildings, hospitals, and other facilities, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance. Apr. 16, 1934, c. 147, § 2, 48 Stat. 596; June 4, 1936, c. 490, 49 Stat. 1458.

Same; Rules and Regulations; Minimum Standards of Service: The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations, including minimum standards of service, as may be necessary and proper for the purpose of carrying the provisions of Sections 452–454 of this title into effect: *Provided*, That such minimum standards of service are not less than the highest maintained by the States or Territories within which said contract or contracts, as herein provided, are to be effective, Apr. 16, 1934, c. 147, § 3, 48 Stat. 596; June 4, 1936, c. 490, 49 Stat. 1458.

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25 U.S.C. § 304a, Act of July 14, 1956, 70 Stat. 536

Study and Investigation of Indian Education in United States and Alaska; Contracts; Report to Congress; Appropriations: The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Indian Affairs, is authorized and directed to conduct a study and investigation of Indian education in the continental United States and Alaska, including a study and investigation of (1) the education problems of Indian children from non-English speaking homes, and (2) the possibility of establishing a more orderly, equitable, and acceptable program for transferring Indian children to public schools.

The Secretary, in carrying out the provisions of this section, is authorized to enter into contracts in accordance with the provisions of sections 452–455 of this title.

Not later than two years after funds are made available to carry out the purposes of this section the Secretary shall submit to the Congress a complete report of the results of such study and investigation, together with such recommendations as he deems desirable.

There are authorized to be appropriated such sums as may be necessary for carrying out the purposes of this section. July 14, 1956, c. 588, §§ 1–4, 70 Stat. 531.

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25 U.S.C. § 309, Act of August 3, 1956, 70 Stat. 986

Vocational Training Program; Eligibility; Contracts or Agreements: In order to help adult Indians who reside on or near Indian reservations to obtain reasonable and satisfactory employment, the Secretary of the Interior is authorized to undertake a program of vocational training that provides for vocational counseling or guidance, institutional training in any recognized vocation or trade, apprenticeship, and on the job training, for periods that do not exceed twenty-four months, transportation to the place of training, and subsistence during the course of training. The program shall be available primarily to Indians who are not less than eighteen and not more than thirty-five years of age and who reside on or near an Indian reservation, and the program shall be conducted under such rules and regulations as the Secretary may prescribe. For the purposes of this program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, or with any private school which has a recognized reputation in the field of vocational education and has successfully obtained employment for its graduates in their respective fields of training, or with any corporation or association which has an existing apprenticeship or on-the-job training program which is recognized by industry and labor as leading to skilled employment. Aug. 3, 1956, c. 930, § 1, 70 Stat. 986.

APPENDIX M

DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, OFFICE OF INDIAN EDUCATION, OBLIGATIONS OF FUNDS FOR EDUCATION

Fiscal year	Obligations in thousands					
	Day schools	Boarding schools	State contracts, Johnson-O'Malley	Higher education	Boarding school breakdown	
					Reservation	Nonreservation
1950	$3,977	$9,310	$2,433	NA	NA	NA
1951	4,477	12,509	2,493	NA	NA	NA
1952	4,622	14,595	2,538	$9	$6,249	$8,346
1953	5,127	16,758	3,071	9	NA	NA
1954	5,338	16,781	3,169	9	NA	NA
1955	6,210	19,949	3,275	20	8,825	9,454
1956	6,910	24,162	4,600	50		
1957	7,026	27,684	5,710	64		
1958	8,311	30,342	6,460	132		
1959	8,056	29,937	4,417	149		
1960	8,546	31,296	4,107	231		
1961	9,200	34,953	4,261	243		
1962	9,327	36,190	5,325	297		
1963	10,649	40,058	6,029	574		
1964	11,678	41,659	6,145	863		
1965	11,297	45,223	6,440	1,242		
1966	12,174	48,764	7,185	1,389		
1967	13,092	54,792	7,949	1,913		
1968	13,993	58,132	8,336	2,246		
1969	15,289	62,608	9,920	2,949		
1970	21,696	69,703	14,710	3,767		
1971	28,009	84,026	17,761	6,050		
1972	29,125	89,007	23,627	15,003		
1973	31,251	95,234	25,352	18,456		
1974	31,559	96,210	25,117	25,784		
1975	35,252	107,470	28,352	32,046		
1976	38,391	117,038	27,143	32,855		

Note: Obligations for Bureau-operated reservation and nonreservation boarding schools are included in boarding schools. Financial structure of Bureau accounting procedure does not allow separate breakout. "NA" indicates "not applicable."

APPENDIX N

The following breakout indicates the BIA Education Budget in 1975 by the central office and the twelve areas:[1]

Washington Central Office	$3,839,466
Albuquerque Central Office	1,777,654
Aberdeen	4,297,311
Albuquerque	5,574,554
Anadarko	3,196,282
Billings	397,902
Eastern	323,231
Juneau	11,901,846
Minneapolis	2,425,148
Muskogee	5,988,013
Navajo	15,314,682
Phoenix	4,717,960
Portland	2,431,894
Sacramento	574,058

[1] This budget does not include teachers, principals and dorm aids.

Source: BIA Office of Indian Education.

APPENDIX O

LISTING OF U.S.O.E. PROGRAMS AND AMOUNTS OF MONEY

	Fiscal year—		
	1974	1975	1976
ESEA title:			
I	$16,688,398	$17,567,233	$16,567,233
II	127,563	304,921	
III	252,152	[1] 306,424	264,004
VI	241,161	970,950	
VII		[1] 1,056,035	1,031,113
NDEA title: III	27,244	25,000	

[1] Carryover moneys.

Use of Setaside Moneys

The Indian Education Resources Center is recognized by the U.S. Office of Education as having the same status, duties, and responsibilities as those attached to any State Education Agency of the 50 states. Thus, the U.S. Office of Education works with only one office when it has contact with the Bureau of Indian Affairs. The IERC, in turn, works with the area offices relative to the various Titles.

The Title programs were first provided in the Elementary and Secondary Education Act of 1965. The BIA participates in the following Title programs:

Title I—Which provides supplementary services to educationally deprived children with efforts being concentrated in the basic areas of Language, Reading, and Math. (Private schools, contract schools and tribally controlled schools participate in Title I.)

Title II—Which provides supplementary books and media materials.

Title III—Which provides opportunities for pilot projects which are creative and innovative, that will lead to the improvement of instruction.

Title IV—Provides supplementary services to those students having handicaps which prevent them from functioning in a normal classroom. This area is commonly referred to as Special Education.

Title VII—Provides for supplementary services in the area of Bilingual Education.

NDEA III—Provides supplementary-hardware and equipment in order to improve academic instruction.

The State Plan and/or Memorandum of Understanding mutually agreed to by the Commissioner of the Bureau of Indian Affairs and the Office of Education is the basic legal document for the implementation and administration of Title programs.

The IERC is responsible for and performs the following duties relative to the various Title programs.

1. *Project Review and Approval.*—The IERC receives, reviews and approves all projects.
2. *Funding.*—Receives funds from the U.S. Office of Education and allocates these funds for expenditure on the basis of approved projects.
3. *Monitoring.*—Provides for and/or carries out monitoring of the approved projects.
4. *Training.*—Provides for training at the Central Office and area levels relative to the various Titles.
5. *Development of Projects.*—Provides technical assistance in the development of projects.
6. *Evaluation.*—Provides technical assistance in the area of evaluation of approved projects and responsible for annual evaluation reports.

How do the Central Offices in Washington and Albuquerque, as well as the twelve area offices monitor the use of these moneys?

Ten area offices have schools receiving ESEA funds. The Sacramento and Minneapolis areas do not have schools receiving ESEA funds.

Methods of monitoring the use of USOE Title I funds:

1. Final approval of all Title I projects operating within the BIA must be given at the Central Office, IERC, Title I Section level. However, prior to being submitted for final approval, each project is planned, written and must have the area office concurrence prior to being submitted to Central Office for final approval.

2. During the school year of the project, each project is monitored by the Area Title I Coordinator to insure compliance relative to program and financial matters. In turn, each area office, Title I Section (10 Area Technical Assistance Projects) is monitored by the Central Office, Title I, with visits to selected sites within the area to insure compliance. (Attached are examples of on-site check-list used by Area and Central Office staff relative to monitoring.)

3. During each fiscal year, a limited number of Title I projects are submitted to the United States Department of the Interior, Office of Audit and Investigation to audit. These audits include examination of all financial transactions and an evaluation of compliance with the law and regulations of P.L. 93–380. During 1975–1976, the Office of Audit and Investigation will have audited approximately 160 Title I projects.

4. All financial transactions originating from each Title I site are financially monitored by an Agency, Area and Central Office staff by the use of printouts from the Administrative Services Center to determine proper expenditures of Title I funds.

Title II Monitoring

Selected Title II projects are monitored by the Central Office. All Title II projects are monitored by the respective Area Offices. Throughout the year, liaison and consultations with the Bureau of Libraries is maintained, including attendance at National meetings relating to Title II.

Title III Monitoring

From mid-November through mid-March, Title III projects are monitored by at least one member of the Title III Advisory Board and quite often by more than one, and the Education Specialist in the Central Office for Title III. The Title III Advisory Board reviews the monitoring procedure. Throughout the year, liaison and consultation, including national meetings and workshops is conducted with the Division of Supplementary Centers and Services in the U.S. Office of Education.

Under Title VII, all moneys administered by the U.S. Office of Education are transferred to the Bureau of Indian Affairs under a memorandum of agreement. The Bureau then issues an "advice of allotment" to the approved project. The major financial and program control is conducted by the U.S. Office of Education. Two written reports a year relative to program and expenditures are required to be sent to the U.S. Office of Education. Copies are also sent to the Bureau of Indian Affairs. In the event there is a need for fiscal or program assistance, the Bureau Title VII Coordinator provides technical assistance in cooperation with the U.S. Office of Education.

APPENDIX P

BIA CONTRACT SCHOOLS

BIA contracted schools are as follows:

Crow Creek, Ft. Thompson, S. Dakota; Director (Vacant), Tribe: Sioux.

Mandaree, New Town, N. Dakota; R. Lavik, Director, Three Affiliated Tribes: Mandan, Hidatsa, Arikara.

St. Michael's, New Town, N. Dakota; G. Dunbar, Superintendent, Three Affiliated Tribes.

Theodore Jamieson, Bismarck, N. Dakota; United Tribes of North Dakota, Joan Stone Estes, Principal.

Hammon School Board, Hammon, Oklahoma; John Ramsey, Director, Southern Cheyenne and Arapaho Tribes.

Busby School Board, Busby, Montana; Dr. William Heineke, Superintendent, Northern Cheyenne, Tribe.

Wind River, Ethete, Wyoming; A. Redman, Superintendent, Shoshone Tribe.

Miccosukee, Homestead, Florida; Cyrin Maus, Principal, Miccosukee, Tribe.

Borrego Pass, Crown Point, N.M.; Ms. Mary H. Cramer, Director, Navajo Tribe.

Ramah Navajo, Ramah, New Mexico; Larry Manuelito, Director, Navajo Tribe.

Rock Point Community School, Chinle, Arizona; Wayne Holm, Director, Navajo Tribe.

Rough Rock, Chinle, Arizona; Etha Lou Yazzi, Principal, Navajo Tribe.

Blackwater, Sacaton, Arizona; Director (Vacant), Pima Tribe.

St. Francis, St. Francis, South Dakota; L. Bordeau, Director, Rosebud Sioux, Tribe.

Ojibway Indian School, Belcourte, North Dakota; Sister Judita, Director, Chippewa, Tribe.

APPENDIX Q

ALLOCATIONS FOR INDIAN CONTROLLED SCHOOL BOARDS

[Total BIA and other money obligated to the Indian-controlled schools in fiscal year 1975 and anticipated money in 1976

	Fiscal year 1975 allocation		Fiscal year 1976 tentative allocation	
	BIA	Other	BIA	Other
Crow Creek	359, 400	(1)	399, 400	101, 000
Mandaree	120, 000	333, 783	117, 000	(1)
St. Michael's	200, 000	(1)	210, 336	91, 083
Theodore Jamieson	135, 000	(1)	135, 000	28, 700
Hammon	30, 000	[2] 70, 000	30, 000	65, 000
Busby	959, 900	335, 573	1, 093, 800	245, 100
Wind River	359, 100	149, 266	368, 900	130, 287
Miccosukee	124, 700	488, 390	240, 400	470, 100
Borrego Pass	190, 000	314, 000	233, 380	161, 880
Ramah Navajo	727, 000	312, 000	1, 839, 000	250, 000
Rock Point	541, 713	465, 500	618, 035	520, 000
Rough Rock	955, 000	130, 113	1, 264, 182	202, 783
Black Water	62, 000	22, 686	75, 000	25, 460
St. Francis	255, 000	(1)	255, 000	427, 000
Ojibway	218, 000	(1)	217, 986	234, 700
Pierre			621, 700	

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[1] Areas unable to secure information.

[2] Estimate.

APPENDIX B

AMOUNTS OF MONEY EXPENDED FOR SELECTED BIA BOARDING SCHOOLS, FROM 1883 TO 1946

	1883–98	1899–1914	1915–30	1931–46	Total
Albuquerque, N. Mex.	[1] $925, 303	$1, 052, 500	$2, 509, 575	$3, 870, 170	$8, 357, 548
Carlisle, Pa.	1, 528, 200	2, 498, 100	[1] 754, 250		4, 780, 550
Chemawa, Oreg. (Forest Grove)	749, 550	1, 815, 577	3, 061, 050	3, 106, 240	8, 732, 417
Chilocco, Okla. (near Arkansas City)	754, 135	1, 823, 650	2, 318, 750	4, 369, 265	9, 265, 800
Flandreau, S. Dak.	[1] 276, 450	1, 146, 650	1, 535, 905	2, 820, 275	5, 779, 280
Hampton, Va.	316, 820	[1] 280, 560			597, 280
Haskell, Kans.	[1] 1, 283, 850	2, 315, 250	3, 257, 100	4, 118, 565	10, 974, 765
Pierre, S. Dak.	[1] 302, 450	663, 750	1, 186, 750	1, 981, 550	4, 134, 500
Phoenix, Ariz.	[1] 350. 135	2, 114, 150	3, 084, 100	3, 499, 845	9, 048, 230
Santa Fe, N. Mex.	[1] 336, 000	1, 021, 950	1, 691, 300	2, 595, 710	5, 644, 960
Sherman Institute, Calif.		[1] 1, 535, 559	2, 918, 200	4, 088, 155	8, 541, 914
Stewart, Nev. (Carson City)	[1] 232, 475	931, 400	1, 629, 660	3, 095, 498	5, 889, 033
Wahpeton, N. Dak.		[1] 416, 500	1, 070, 205	1, 860, 000	3, 346, 705
Grand total	7, 055, 368	17, 615, 596	25, 016, 845	35, 406, 273	85, 093, 082

[1] Subtotal reflects part of the 15-yr period, compiled from U.S. House of Representatives appropriations hearings.

Source: Gathered and compiled from U.S. House of Representatives appropriations hearings.

APPENDIX 8

RAW DATA SUBMITTED BY BIA: ENROLLMENT OF STUDENTS ATTENDING ELEMENTARY/SECONDARY OFF-RESERVATION BOARDING SCHOOLS, BY TRIBE

	Albuquerque area—	Aberdeen area		Anadarko area				Juneau area—	Muskogee area		Phoenix area				Portland area—	
	Albuquerque Indian School	Flandreau	Wahpeton	Chilocco	Concho	Fort Sill	Riverside	Mount Edgecombe	Seneca	Sequoyah	Phoenix	Sherman	Stewart	Inter-Mountain	Chemawa	Total
Alabama-Coushatta				1		2	4							1		8
Aleut, Eskimos, and Indians					1			538						1	121	661
Apache	52	1		4	2	21					212	111	26	4		933
Arapahoe		30		6	23	3	16				1			33	1	113
Assiniboine		24	5	1								3	4	7	2	46
Bannock														1		4
Blackfeet		74		11			4							6	13	103
Caddo				4	11	9	27		1	4						56
Cahuilla											2	4		8		14
Cajuse															2	2
Chenalis															2	2
Chemehuevi											1	5				6
Cherokee		12		11	1		5		63	169			1	1		3
Cheyenne		2		23	67	40	19			3				3	2	60
Chickasaw		217		1		4	6		1	2						231
Chippewa			147	9		2					2	1		11	5	173
Chitimacha																
Choctaw				11	13	5	8		24	27	2					90
Clallam															3	3
Cocopah				1							6	10	5	1		23
Coeur d'Alene															2	2
Colville	2			4		1	14							13	87	121
Comanche				3	23	64	22									12
Concow													1	4		5

Copena																
Cree		2													2	4
Creek				29	15	7	4		15	84		2				186
Crow		45		8		18	9				9			26		115
Delaware					1	1										2
Diegueno																
El Capitan																
Euchee										1						1
Flathead		18		4		3									3	28
Goshute												2	4	3		9
Havasupai											7	14	8			29
Hidatsa														3		3
Hoh															3	3
Hoopa											2		4		1	7
Hopi											147	177	11		1	336
Hualapai				1							21	25	10			57
Iowa				2	1											3
Kaibab				9	9											18
Kalispel															2	2
Karok											2		9			11
Kaw																
Kickapoo		2				3	13									19
Kiowa				19	65	60	95		1	5						245
Klamath														1	2	3
Kootenai							1							3	1	5
La Jolla																
Little Lake																
Lummi							1								20	21
Lusianio																
Maidu												2	4	2		8
Makah														1	4	5
Maricopa	1											11	9			21
Melaiseet																
Menominee		41	10													51
Mesquakie		1														1
Mission											5	7		51		63
Miwok													4			4

RAW DATA SUBMITTED BY BIA: ENROLLMENT OF STUDENTS ATTENDING ELEMENTARY/SECONDARY OFF-RESERVATION BOARDING SCHOOLS, BY TRIBE—Continued

	Albuquerque area—Albuquerque Indian School	Aberdeen area		Anadarko area				Juneau area—Mount Edgecombe	Muskogee area		Phoenix area				Portland area—Chemawa	Total
		Flandreau	Wahpeton	Chilocco	Concho	Fort Sill	Riverside		Seneca	Sequoyah	Phoenix	Sherman	Stewart	Inter-Mountain		
Modoc																
Mohave	1										5	14	6			26
Mohawk				1												1
Mono																
Navajo	72			1	8	2	4		1		7	6				101
Nez Perce							3						1	532	11	547
Nooksack															7	7
Ojibway																
Omaha		19	17	9	2	3								2		52
Oneida		43	5											3		51
Onondaga				2												2
Osage	3			2	1				5	12						23
Otoe				12	2	3	3		2	4						26
Ottawa		3														3
Paiute										1	9	21	51	50	2	134
Papago	1			17							138	121	119	3		399
Pawnee	3			9	34	4	4		6	7		2		4		73
Pima	18			8						1	227	152	125	17		548
Pit River											1	1		2	3	7
Pobina																
Pojoaque																
Pomo												6	4			10
Ponca				57	16	16			3	5						97
Potawatomi		2		10	14		4			3					4	37
Pueblo	137			6	10	1	2				4	6	2	6	1	175

Pungkahlache															
Puyallup														1	1
Quapaw								3	1						4
Quechan										6	11	1	1		19
Quilete														10	10
Quinault														12	12
Sac and Fox		2		5	18	9	13		2						49
Salish				7		5									12
Seminole				16	7	9	1	20	16				10		79
Seneca				6		5		11						2	24
Shawnee				3	2	5	2	2	1						15
Shoshone		25		8		4	9			2	9	27	87	13	184
Sioux	65	14	50	16	1	3	4				7	4	23	3	262
Sisseton															
Skagit															
Skokomish															
Snokomish														5	5
Snoqualmi														7	7
Sobodba															
Spokane													1	5	6
Squazin														2	2
Stockbridge															
Suquamish														1	1
Three Affiliated Tribes			13										3		16
Tolowa															
Torres-Martinez											2				2
Towanda															
Tulalip															
Tule River											7	2			9
Tuscarora															
Uintah and Ouray															
Umatilla												3	1	11	15
Ute	7			2	1	5				18	15	8	98	1	155
Walla Walla						1								4	5
Wapto															
Warm Springs	1					3	3						1	27	35
Washoe										2	5	27	17	1	52
Weott															
Wichita					4	1	7							1	13
Winnebago	4	17	4				2		1	1	3		1		33
Wintun										1	2		2		5

RAW DATA SUBMITTED BY BIA: ENROLLMENT OF STUDENTS ATTENDING ELEMENTARY/SECONDARY OFF-RESERVATION BOARDING SCHOOLS, BY TRIBE—Continued

	Albuquerque area—Albuquerque Indian School	Aberdeen area		Anadarko area				Juneau area—Mount Edgecombe	Muskogee area		Phoenix area				Portland area—Chemawa	Total
		Flandreau	Wahpeton	Chilocco	Concho	Fort Sill	Riverside		Seneca	Sequoyah	Phoenix	Sherman	Stewart	Inter-Mountain		
Yakima					1	4	2							4	62	73
Yavapai												10	1			21
Yokut																
Yurok											2	4			4	10
Yuma																
Zuni	11										35					46
Arikara		11	1										11			14
Gros Ventre		15	8			3	6								1	33
Lapwai															2	2
Chato													1			1
Couto													1		9	1
Rincon													2	1	1	3
Ukich													2			2
Yorok													8			8
Shasta																
Capitan Grande												1				1
Luiseno												2				2
Paumo												1				1
Serrano												1				1
Iroquois																
Yokayo												1				1
Cruk														1		1
Cupa														1		1
Karak														1		1
Wasco							1									16
Mandan		15												1		
Eyak																
Cayuga																
Colorado River																
Penobscot																
Yuki																
Sycuan																
Kabok																
Tonkawa			1													1
Campo																
Kalispel					1											1
Swinomish						1										
Wailaki																

APPENDIX T

SURVEY OF STATE BOARD OF REGENTS

A survey was made of all the State Boards of Regents to determine availability of funds for Indian students, the presence of Indian studies, and generally the attitude demonstrated by the state toward Indian education.

An overview of this survey of 29 states indicates that not only are BIA and OE providing inadequate support but also the State Board of Regents across the United States does *not* provide for American Indians: (1) adequate funding sources; (2) curriculum development assistance—either technical or financial; (3) special provisions for educatign administrators and teachers about Native American culture; (4) involvement from the local Indian community concerning the policies made by the State Board of Regents. There are exceptions to these cases, most notably being the State of Montana. Other states with a high Indian population are also providing assistance, but in general, these are very few.

It seems apparent the State Board of Regents does not assume the responsibility for the Indians' particular needs and concerns unless a high population of Indians is extant in that state. However, this type of policy, particularly in states with a low Indian population, can hinder the teaching of Native American culture, as the teachers are not necessarily trained nor skilled about matters relating to Indian history. This lack of training can perpetuate the myths and stereotypes of Native Americans, and continues to reinforce the inaccurate view of American Indians to students and the public in general.

In addition, some states with high Indian populations are not providing scholarship assistance, particularly in California. In many instances, the state implies that funding sources are available from the Federal government and, therefore, the responsibility for providing money is not assumed.

For the purposes of receiving scholarship assistance, the definition of Indian varied from state to state. There was no concrete definition and in most cases, another department, i.e., Ethnic Studies, Department of Anthropology, etc. (Hawaii, Mississippi, Nevada, New Mexico, Utah). A further description of those states providing special programs is given below.

STATE BOARD OF REGENTS SURVEY

Number of Replies—29; List of State Responses:

Alabama, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Utah, and West Virginia.

The following states listed specific scholarship programs for American Indians:

Florida, Maine, Michigan, Montana, Nevada, North Dakota, Oklahoma, and South Dakota.

Oklahoma.—There are several Indian study programs in the Oklahoma State System of Higher Education, including a bilingual Cherokee program at Northeastern Oklahoma State University, a bilingual Choctaw program at Southeastern Oklahoma State University, and other Indian programs at Claremore Junior College, Northern Oklahoma College and University of Science and Arts of Oklahoma.

Montana.—"Indian Culture Master Plan" (adopted 12/15/75 by the State Board of Education of Montana); Article X of the Constitution of Montana; House Bill 343 (Section 75-6129 to 75-6132, R.C.M. 1973); House Joint Resolution 60 (1974). These laws support the special provisions: The Native American perspective should be emphasized in applicable course offerings in the Montana University system; Native American Studies Director and Dean of Education should cooperatively establish guidelines for all persons involved in Native American Studies; involvement of the Indian people, as emphasized in House Bill 343 and House Joint Resolution 60 and that such courses seek to present Indian Culture from a tribal or Native American perspective.

North Dakota.—The University of North Dakota has an Indian Studies Program authorized by the Board of Higher Education. (Several state-supported colleges and universities have Indian Studies courses by administrative direction.)

South Dakota.—Two Schools (University of South Dakota at Vermillion and Black Hills State College) have state-supported ($90,000) special Indian programs to support counseling, tutorial programs, etc. South Dakota State University, Northern State College, Dakota State College, and University of South Dakota at also have personnel particularly assigned for working with Indian students and providing Indian Studies.

Four states responded they have future plans for making special provisions to adapt a program of Indian studies at the state-supported colleges and universities. Four other states responded that it was not their responsibility to initiate special programs; that each institution plans its own special provisions (Illinois, Indiana, Michigan, Utah). In addition, these states would seek state, federal, and private funds as their source of monies to run any programs, were specific institutions to approve any programs for Indian studies. Given below are details concerning those states that have intentions of making special provisions:

Connecticut.—Proposed legislation is being drafted for the next General Assembly for a specialized program for American Indians at the University of Connecticut. The support for the program will be sought from the state and federal government as well as private sources.

Oklahoma.—(This state has special provisions in existence at the present time.) Eastern Oklahoma State College currently has a request pending before the State Regents for an Indian Studies Program. The various Indian Education Programs are part of the general instructional programs of the institutions and are funded primarily by state-appropriated funds coupled with revolving fund income, principally student fees and tuition. There may be additional federal support for certain of the programs.

Nevada.—Special provisions are being made, but plans have been held up due to lack of funds and personnel. Presently, through state funds would the special provisions be funded, although funds could possibly come from federal or private sources.

Rhode Island.—The Rhode Island Department of Education and Rhode Island College are planning to conduct graduate workshops on Native (Rhode Island) Education and Culture. The University of Rhode Island has and is running workshops for teachers on Narragansett Indian Culture. Presently and for this fiscal year, all programs must be funded with state funds. It is hoped that the use of federal funds (Title IV) would be approved for next year so these programs could be expanded and improved.

Human Relations Courses

Montana is the only state that requires teachers to complete a course about American Indians. Four states indicated that their teachers must complete a requirement concerning minority groups and ethnic groups, thereby inferring their teachers learn about American Indians and Indian affairs. (Connecticut, Indiana, Iowa, Nevada) Two states, Michigan and Hawaii, encourage their teachers to partake in multi-cultural education, but do not require such courses prior to teacher certification. Some states remarked that the State Boards of Regents for their state does not carry any jurisdiction for teacher certification (Oklahoma, New Hampshire, South Dakota). Given below is Montana's act requiring a course of study related to American Indians:

Montana.—House Bill 343, now codified as statute in 75–6129 to 75–6132, R.C.M. 1947—This statute directs that by July 1, 1979, only those certified personnel who have completed training in American Indian studies shall be employed in those schools whose Indian populations qualifies them to receive federal funds for Indian educational programs. House Joint Resolution 60 was passed during the 1974 Legislative session by overwhelming majority and directed "the Board of Public Education and the Board of Higher Education (Board of Regents) to develop a master plan for enriching the background of all public school teachers in American Indian culture."

Role of the Federal Government—Accurate Curriculum Development

The role of the federal government in stimulating accurate curriculum about American Indians was answered by either a direct involvement, involvement from a financial support basis, no involvement whatsoever, and no response. A further breakdown of the responses is given below:

Direct involvement for developing the curriculum—Alabama, Arkansas, Georgia, Michigan, and New Mexico (6).

Michigan.—It appears that the federal government has sufficient data on Indian history to provide states with a comprehensive, chronological history of tribes, pertinent events, issues, and legislative history affecting the Indian population. The respective tribes and /or various Indian organizations, it seems, could also produce a documentation, which portrays a more accurate history of America's Indian people. It will be necessary, it seems, to provide recommendations that the federal and local state governments can act on, such as creating policy statement in regards to equal and fair treatment of the Indian people in all public school and college curricula material.

New Mexico.—Provide accurate information about needs in this area, including specifics about local tribes in each state. Provide accurate material for use in the classroom.

Provide adequate funding and assistance so that an accurate curriculum about American Indians can be developed—Connecticut, Hawaii, Iowa, Oklahoma, Montana, Nevada, Rhode Island, South Dakota, Utah.

Connecticut.—According to the Connecticut Indian Affairs Council, Connecticut's Indian tribe does not qualify for financial education assistance under current federal regulations that is available to certain descendants from certain designated tribes or reservations, which have been predetermined by the BIA and located west of the Mississippi and the far western states. The federal legislation of Title IV should be amended to include all American Indians. When the federal government has provided education funding for all American Indians, this would stimulate accurate curricula for them in all colleges and universities.

Oklahoma.—The role of the federal government should be through direct support of instructional programs if this can be accomplished without oppressive federal involvement in the structuring of curriculum offering. Latitude should be given to the states and institutions in cooperation with the Indian population in determining both need and content.

Montana.—The federal government should provide funding for development of curriculum materials, which accurately reflect the views, history, current opinion, etc., of American Indians.

Nevada.—Provisions of profit funding.

Rhode Island.—The role of the federal government in stimulating accurate curriculum concerning Native (American Indians) should be to provide funding and guidelines (requiring Native community participation) so that state education agencies and local education agencies could produce curriculum which accurately reflects the historical and contemporary Native Culture.

South Dakota.—If it (Federal Government) plays a role, it should be a block grant of a continuing nature. The stimulation of initiating, then stopping support is an approach that is extremely detrimental to an operation.

Utah.—If at all, only via federal grants for curricular modification. Faculties continue to be the ones who should be responsible for curricular determinations.

The role of the federal government in stimulating accurate curriculum about American Indians should be none, and that this responsibility be taken of through each university and individual institutions who can respond to the needs of their individual Indian students—Florida, Illinois, Mississippi, North Dakota, South Carolina.

No response given—California, Ohio, Indiana, Kansas, Kentucky, Louisiana, Maine, Nebraska, New Hampshire, West Virginia.

Involvement Between the Board of Regents and Indian Tribes, Communities or Organizations

Involvement between the Board of Regents and Indian tribes, communities, or organizations in planning and assuring that higher education programs, services, and opportunities reach Indian people was indicated by six states—Connecticut, Michigan, Oklahoma, Nevada, South Dakota, and Utah. A more detailed explanation of such a relationship is given below:

Connecticut.—The Commission for Higher Education is sub-divided into various committees to carry out its legislative intent and policies. One such committee of the Commission is the Committee on Minority Groups-Expansion of Opportunities. The Committee's major responsibility is to identify and encourage supportive service programs or procedure to expand equal opportunities and determine the extent of available assistance and need of minorities. Key members and community leaders of different minority groups are invited to participate in the meeting of this subcommittee of the Commission and to help plan the educational opportunities for minorities.

Michigan.—The State Board of Education annually appoints members to a 14 member Indian Education Advisory Council, which is charged with making recommendation to the Board. The Michigan Department of Education and State Board of Education is concerned with the need to decrease attribution rate of Indian pupils attending public schools, and increasing the number of Indian students attending colleges and universities. The Commission on Indian Affairs and their staff does include higher education as one of their concerns and their work does bring them in contact with communities, tribes, and organizations.

Oklahoma.—Indians are represented on the State Regents' Civil Rights Advisory Council and served on the State Regents' Citizens Advisory Council on Goals for Oklahoma Higher Education. Indians were also involved in the State Regents' sponsored state-wide Counselors' Workshop, the purpose of which was to train high school and college counselors in handling the special problems of minority students, including Indians.

Nevada.—University Nevada System Board of Regents provided extensive scholarship assistance for Nevada Indians and has sought in other ways to encourage university or community college attendance.

South Dakota.—Periodic meetings, provision of credit through existing campus program advisory help and supervision for reservation branch campuses, scholarship programs, counseling on reservations and in schools with large Indian population.

Utah.—The Utah Board of Regents is a policy governing board. The management of the institutions is the responsibility of the President and local institutional councils. These institutions have been responsive to this: for example, Utah State University through its Extension Division (Land Grant College) and University of Utah through the American Indian Research and Service Program.

It can be established from the above descriptions that the Indians from tribes, communities, and organizations are in a secondary relationship to the State Board of Regents and not necessarily directly involved.

The remainder of the states indicated no relationship, or a relationship that could be found in another department of the education system of the state.

APPENDIX U

PUBLIC LAW 93-638 COMMUNITY COLLEGE SURVEY—SUPPLEMENTAL SUMMARY

GENERAL BACKGROUND INFORMATION—OPERATIONAL COLLEGES

Name of community college	Year established	Legal base	Policymaking body	Accreditation	Funding sources	Reservation served
American Indian Satellite Community College of Northeast Nebraska.	1973	Chartered by State of Nebraska through Northeast Nebraska Technical Community College.	Board of Governors, Northeast Technical Community College and advisory board.	Affiliated with Northeast Nebraska Technical Community College.	Health, Education, and Welfare, State of Nebraska, and Bureau of Indian Affairs.	Omaha, Santee Sioux, and Winnebago.
Cheyenne River	1973	Chartered by Cheyenne River Sioux Tribal Council.	Board of directors	Affiliated with Northern State College, South Dakota.	Health, Education, and Welfare	Cheyenne River and Sioux.
Fort Berthold	1973	Chartered by three Affiliated Tribes.	do	Affiliated with Mary College, Bismarck, N. Dak.	do	Mandan, Hidatsa, and Arikara.
Hehaka Sapa at DQU	1971	Land Deeded by U.S. Government for college purposes.	Board of trustees	Candidate for Accreditation with Western Association of Colleges.	Health, Education, and Welfare and Private Sources.	Nonreservation.
Inupiat University of the Arctic	1975	Incorporated in State of Alaska.	Board of directors	Affiliated with Sheldon Jackson College and Antioch College/West.	North Slope Borough, and Native Corp.	Arctic North Slope of Alaska; 9 Villages, Inupiat Eskimo.
Land Claims College	1974	Chartered by Tanana Chiefs Conference.	do	Candidate for Accreditation with Northwest Association of Schools and Colleges.	Health, Education, and Welfare; Bureau of Indian Affairs; Department of Labor; State of Alaska and Doyon Ltd.	Interior Alaska, 43 Athabascan Indian villages.
Lummi School of Aquaculture	1973	Chartered by Lummi Indian Business Council.	Board of trustees	Affiliated with Whatcom Community College.	Health, Education, and Welfare and Bureau of Indian Affairs.	Lummi.
Navajo Community College	1968	Chartered by Navajo Tribal Council.	Board of regents	Candidate for Accreditation with North Central Accreditation Association.	Navajo Tribe, Health, Education, and Welfare, Public Law 92-189, and private sources.	Navajo.
Oglala Sioux Community College	1970	Chartered by Oglala Sioux Tribal Council.	Board of trustees	Affiliated with Black Hills State College and University of South Dakota.	Health, Education, and Welfare, Bureau of Indian Affairs and private sources.	Oglala Sioux and Pine Ridge.
Sinte Gleska College	1970	Chartered by Rosebud Sioux Tribal Council.	Board of directors	do	Health, Education, and Welfare, Bureau of Indian Affairs, National Institute of Health, Rosebud Sioux Tribe, and private funds.	Rosebud Sioux.
Sisseton-Wahpeton	1973	Chartered by Sisseton-Wahpeton Sioux Tribe.	Reservation Indian education board.	Affiliated with University of Minnesota and Sinte Gleska College.	Health, Education, and Welfare	Lake Traverse and Sisseton-Wahpeton Sioux.
Standing Rock	1973	Chartered by Standing Rock Sioux Tribal Council.	Board of directors	Affiliated with Bismarck Junior College.	do	Standing Rock Sioux.
Turtle Mountain	1972	Chartered by Turtle Mountain Chippewa Tribal Council.	Board of trustees and board of directors.	Affiliated with North Dakota State University/Bottineau Branch.	do	Turtle Mountain and Chippewa.

ACADEMIC PROFILES—OPERATIONAL COLLEGES

Name of college	Degree programs	Degree requirements	Vocational certificate programs	Other
American Indian Satellite Community College of Northeast Nebraska.	Associate of arts (see catalog)	60 semester hr with 2.0 cumulative plus general education requirements.	Construction and timberland environment.	Teacher training and adult education.
Cheyenne River	Available through sponsoring institution.	64 semester hr with 2.0 grade point average and 128 "honor points."	None reported	Courses are planned in English, accounting, mathematics, history, political science, psychology, physical education and nursing.
Fort Berthold	Associate of arts in midmanagement and secretarial science.	68 semester hr with 2.0 grade point average.	do	Associate of arts programs being developed in Community mental health, early childhood education criminal justice, and general studies.
Hehaka Sapa at DQU	Association of arts and science in liberal arts, business, graphic arts, mass media, farm management and crop production.	60 semester hr total; 30 hr core curriculum, 15 hr major; 15 hr electives.	Certificates awarded on completion of 30 units in various occupational fields.	Experiential learning credit and adult education offered.
Inupiat University of the Arctic	Associate of arts, bachelor of arts	90 quarter credits, Associate of arts; 180 quarter credits, bachelor of arts.	None reported	Graduate degree program at master's level available on limited basis.
Land Claims College	Associate of arts in business administration; health administration; native humanities, education, law (paralegal).	60 semester hr, including 30 hr in major.	Village corporate management, office machines (or other areas of demonstrated proficiency).	Bachelor of arts degree program projected for 1976-77, 130 semester hr required.
Lummi School of Aquaculture	Associate of arts in aquaculture	70 credits at Lummi School of Aquaculture plus 20 at Whatcom Community College.	None reported	None.
Navajo Community College	Associate of arts degree (not compartmentalized into programs by career or field titles).	64 credits for associate of arts including 33 required credits.	Auto mechanics, welding, commercial art, business, secretarial, association of science available.	Directed studies, extension and Outreach, cooperative education, and adult basic education.
Oglala Sioux Community College	Associate of arts in business, Lakota studies, nursing, carpentry, education, social services, and general studies.	62 semester hr to 72 semester hr depending on degree sought and career emphasis.	Contingent on more funds, facilities, and equipment.	None reported.
Sinte Gleska College	Associate of arts in general studies, business, human resources, Indian studies, education, special education and nursing.	66 hrs. with C average or better, includes 25 semester hr of required courses.	1-year certificate in business	Do.
Sisseton-Wahpeton	No structured degree program reported.	To be finalized with sponsoring institution.	None reported	Do.
Standing Rock	Associate of arts in Lakota studies and general studies.	60 hr credit with C average including 33 hr required and 27 in degree area.	do	Do.
Turtle Mountain	Associate of arts (not compartmentalized into career programs or field titles).	92 quarter credits for associate of arts	do	Do.

ENROLLMENT DATA—OPERATIONAL COLLEGES

Name of college	FTE enrollment 1974–75	Total enrollment 1974–75	Projected enrollment				
			1975–76	1976–77	1977–78	1978–79	1979–80
American Indian Satellite Community College of Northeast Nebraska.	50	66	85 total	90 total	100 total	150 total	150 total.
Cheyenne River	No FTE reported	58	(1)	(1)	(1)	(1)	(1).
Fort Berthold	75	237	212 total	246 total	260 total	284 total	298 total.
Nehaka Sapa at DQU	166	166	(1)	(1)	(1)	(1)	(1).
Inupiat University of the Arctic	71	Not reported	(2)	(2)	(2)	(2)	(2).
Land Claims College	Not reported	500	(1)	(1)	(1)	(1)	(1).
Lummi School of Aquaculture	50	Not reported	(1)	(1)	(1)	(1)	(1).
Navajo Community College	234 main campus FTE not reported for branch and extension.	961	FTE: 320; PT: 380	(3)	(3)	(3)	(3).
Oglala Sioux Community College	362	598	FTE: 190	FTE: 198	FTE: 208	FTE: 213	FTE:221.
Sinte Gleska College	171	753	FTE: 78, PT: 202	FTE :101, PT: 239	FTE: 116, PT: 246	FTE: 132, PT: 259	FTE: 146, PT: 270.
Sisseton-Wahpeton	FTE data not reported	Not reported	78 total	82 total	86 total	Not reported	Not reported.
Standing Rock	198	306	FTE: 107, PT: 55	FTE: 128, PT: 66	FTE: 154, PT: 79	do	Do.
Turtle Mountain	102	212	(1)	(1)	(1)	(1)	(1).

[1] Data on projected enrollments not reported.

[2] Projected total FTE over 5-year period estimated at 500, boroughwide.

[3] Data on projected enrollment for 1977–80 not reported.

STUDENT COSTS—OPERATIONAL COLLEGES

Name of college	Tuition	Transportation	Housing and food	Books and miscellaneous
American Indian Satellite Community College of Northeast Nebraska.	$144 full-time, $12.50 per credit hour	Approximately $24 per semester per student (mileage).	Not reported	$65 per semester for books, $50 miscellaneous.
Cheyenne River	$212 per semester, full time	Not reported	do	$150 per year for books and supplies, $15 application fee.
Fort Berthold	$15 per credit hour	do	do	$15 application fee, $50 miscellaneous.
Hehaka Sapa at DQU	$40 per unit	do	$60 per student	$50 per semester for books, $150 miscellaneous.
Inupiat University of the Arctic	Not more than $200 per quarter	(1)	(1)	(1).
Land Claims College	Tuition free for village residents	(2)	(2)	(2).
Lummi School of Aquaculture	$990 per year	Cost borne by school. Fleet of 6 vans and ferry service.	Not reported	Approximately $6,000 per year for all 50 students, total.
Navajo Community College	(3)	(3)	(3)	(3).
Oglala Sioux Community College	$600 per year, $20 per credit hour	Married: $900, single: $540	Married housing $1,560, food $1,440; single housing $540, food $765.	Books and miscellaneous: Married, $1,090; single, $600.
Sinte Gleska College	$200 per semester	$320 per semester, married; $240 per semester, single.	Married: $500 housing, $500 food; single: $480 housing, $320 food.	Married: $75 plus $300; single: $75 plus $200.
Sisseton-Wahpeton	(4)	(4)	(4)	(4).
Standing Rock	$13.50 per credit hour FTE, $15.50 part time.	(5)	(5)	(5).
Turtle Mountain	$145 per quarter [6]	$225 per quarter [6]	$965 per quarter [6]	$575 per quarter.[6]

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[1] Most student costs are paid by the North Slope Borough Native Corp. Each student pays an amount determined by a tuition committee based on need.

[2] Other student costs not reported.

[3] Student costs for Indian students, including tuition, room and board, and a book allowance are provided through regular operating funds and amount to approximately $2,580 per year or $1,290 per semester.

[4] Data on student costs not reported.

[5] Student cost data for transportation, housing and food, and books not reported.

[6] Data under these categories reported for married students only.

APPENDIX V

PROFILES OF SEVENTEEN INDIAN COMMUNITY CONTROLLED SCHOOLS

DR. WAYNE HOLMES, ROCK POINT COMMUNITY SCHOOL, ROCK POINT, ARIZ.

I. History

During the administration of Commissioner Collier in the Bureau of Indian Affairs, the Bureau constructed fifty day schools around the Navajo reservation. Rock Point was one of those schools built and funded by the B.I.A. An Education Committee was formed in 1958 from the local community and expanded until the present operation of a B.I.A. Controlled School.

II. Philosophy

Introduces community people to some of the complexities of dealing with and running an educational institution within state and federal guidelines. As a contract school, the local community has the opportunity to perceive decisions in personal terms and have the chance to be in a decision making situation. Feedback from the immediate area allows the school board to be aware of the quality and effect of their decisions on the educational expansion of their young people. It is felt that quality instruction can take place at Rock Point in a rural area even with those instructors who are uncertified due to their commitment and involvement with the local committee.

III. Number of Students

There are 340 students attending this school with a grade level of kindergarten through the seventh grade.

IV. Number of Teachers

Eight are Navajo classroom teachers; six are Navajo language specialists; fifteen are English language teachers.

V. Staffing Problems

Teachers are hired locally, by the Board. These teachers receive on-site training in the school. Some of the teachers are non-credential, but work with a waiver of credentials from the Bureau during the training duration.

VI. Budget

Bureau of Indian Affairs	$800,000
Title I	140,000
Title IV	150,000
Title VII	200,000
E.P.D.A.	50,000
J.O.M.	40,000
E.S.E.A.	3,000

VII. Education Program

Makeup of program is a coordinate bilingual program with Navajo the 95% dominant factor. The students are initially taught Navajo, then English literacy. Math and English are extensions of teaching. English is a second language. Social Studies places some emphasis on study of Navajo kinship and clans. The basic educational program focuses heavily on mastery of skill subjects. Since Rock Point is not tied into State or Bureau curriculum, it is felt that they can better meet the needs of the local community.

VIII. Future Goals and Plans

Rock Point Community School at this point plans to remain as a B.I.A. Contract School unless or until such time that a highly decentralized Tribal School System might become feasible.

ROCKY BOY SCHOOL BOARD—HAROLD GREY, ROCKY BOY ROUTE, BOX ELDER, MONT.

I. History of School

From 1917, day schools were run by the Bureau of Indian Affairs on the Rocky Boy Chippewa-Cree Indian Reservation up until 1959 and then the operation of the reservation school system was turned over to the public school system, District 16-A, located twenty-six miles northeast of the Rocky Boy Agency at Havre, Montana. Due to dissatisfaction on behalf of the Indian parents, Public Elementary School District No. 87 was created in March of 1970, and went into operation on July 1, 1970. Initially, the Rocky Boy School System began as a BIA system, which started in 1917 through 1960. Rocky Boy School Committee, Inc., was instrumental for the creation of the public school system which it is.

II. Philosophy

Definitely Biculturalism. To give equal emphasis to American culture and Cree culture, to prepare young Indian children for the world of work. Individualized instruction for curriculum, study of culture, governmental structure of tribe, and elimination of the need for commercially designed curricula. Curriculum pays attention to giving the children experience as well as academics.

III. Education Program

Indian Controlled—has been since 1970.

IV. Number of Students

340 Students (Grades K thru 8).

V. Number of Teachers

25 Teachers: 4 Indian; 21 Non-Indian.
25 Teacher Assistants: 24 Indian; 1 Non-Indian.

VI. Budget

22 percent from state foundation program. Remainder is from supplementary programs. Total budget approximately $1,000,000.

VII. Staffing Problems

Problems arise mainly because there is lack of money for training teachers. Lack of money for certain positions needed for counselors, music programs, guidance counselor, etc.

VIII. Services to Indian People

Excellent recreational program during school year and also some adult recreation. School lunch program as well as a breakfast program. Bilingual, reading, and a research program in which history curricula is both in English and Cree. The Cree language is required for all students and staff. This year every teacher was required to put on a bilingual performance to the community.

IX. Future Plans and Goals

To add the high school as well as offer a program for adults. To have their own library and archives. Develop a bibliography of information and a research facility which will serve as a consultant center for everyone.

APPENDIX V (CONTINUED)

DOROTHY LE PAGE, INDIAN COMMUNITY SCHOOL, MILWAUKEE, WIS.

I. History

Started by three Indian mothers in the fall of 1970 in a living room, with seven students. Indian students increased rapidly. Given use of basement in one of the local churches because of the increased enrollment. A.I.M. found coast guard station and was given space for school program. The first building was converted into a halfway house. The second building was converted into a school. Now, the school is the total site of the buildings.

II. Philosophy

Prepare kids academically with quality education with "Indianness" core. Strong remedial reading program. Strong math moving around core. Indian language classes. Brought people from reservation and trained them in Indian language. Five different Indian languages were taught.

III. Education Program

Traditional basic disciplines program in addition to Indian culture classes. Part of regular curriculum and usual school day.

IV. Number of Students

The number of students attending this school is 102. They are attending grades K thru 12.

V. Number of Teachers

The number of teachers at this school is nine, two of them being part-time. Six of the teachers are Native Americans.

VI. Budget

Title IV, part B	$135,000
U.S.D.A. food program	17,200
Work incentive program	9,208
Donations	774
Title II	--------

VII. Staffing Problems

Turnover due to lack of security with soft money. Better salaries. Large number of requests from Indian para-professionals.

VIII. Initial Funding

Small amounts from churches.

IX. Funding

In February of 1976, the school received a grant from the Wisconsin Council on Justice. "Soft Grants Act" Monies for prevention of juvenile delinquents and alternative schools.

X. Private School

Spring of 1977 the school joined the Coalition.

XI. Services to the Indians

Sensitive to the needs of their own children. The school provides knowledge and background to teach kids what their heritage and needs mean to them. They need a stronger sense of self-esteem as well as the value of input for their own educational program.

XII. Future Goals

The school's future goals are to expand in area of enrollment, and their need for further space and commercial financial resources. To provide non-Indian students a greater acceptance of value of Indian heritage, values, etc.

HIGHLINE INDIAN PARENT COMMITTEE, MR. LEDFORD, SEATTLE, WASH. 98188

I. History of School

Public School System. Indian components initiated by district when Title IV funds were applied for and the community became involved. They began in 1972 with $29,000 and have expanded to $115,000 to date with facilities in three different schools in the district.

II. Philosophy

Community felt the need for Indian programs and participation in their education with 62 or 65 tribes in this district. They also wanted teachers to be aware of the varied perception, feelings, backgrounds of their students. There is need to sensitize the teachers in these areas and to develop Native American curriculum materials. There are now some cultural classes to develop awareness as well as counseling classes to deal with some social problems such as attendance.

III. Education Program

Community feels that quality education is important for their young people, and it is up to the elders to see that they are well educated. Cultural aspects of education program are part of the regular school day as well as in addition to the day. They deal with four different components: Counseling, Culture, Resources (Developmental Stage) and tutoring.

IV. Number of Students

596 students.

V. Number of Teachers

65 teachers (4 Native Americans).

VI. Staffing Problems

None exist at the present time.

VII. Budget

Title IV	$68,700
Tutoring	33,500
CETA	12,000

VIII. Services to Indians

Good deal of enthusiasm amongst students cross aid instruction on a one-to-one basis. High school students help younger students who are in exchange tutored as well. There is a training session as well in Indian culture and the basic discipline. Students are able to upgrade their own self-image and develop pride in their own "Indianness" through knowledge of their own culture and social issues.

IX. Future Goals

Plans for a Resource Center are in a developmental stage. Program is well received in the district. Facilities are adequate now but will be expanded. There are regular classrooms available for the Indian component.

APPENDIX V (CONTINUED)

JOE OSAGE, INSTITUTE OF THE SOUTHERN PLAINS, INC., HAMMON, OKLA.

I. History of School

Initial funding granted in 1973. $30,000 from Central Office of BIA. In 1974, received $90,000 for Parts A and B of Title IV. Indian population is 40% of local community but had no input in the local school. There was a 90% dropout rate. The community was also uninformed about Title programs and amount of funding public schools received as a result of Indian presence in the schools. Thus, local community finally pushed for the establishment of their own school.

II. Philosophy

All school board members under the age of thirty-five are unable to speak the native language. There is a local community desire to include culture and language in programs along with basic curriculum.

III. Education Program

Basic education as required by the Bureau of Indian Affairs. They are in the stages of a beginning institute for a Center for Skills Courses and Culture as well as technical training along with college entrance preparation.

IV. Number of Students

75 Students (Grades K thru 12).

V. Number of Teachers

8 Teachers (2 Native American).

VI. Budget

Title IV, part B	$100,000
BIA	52,948
Title I	30,000
JOM	7,500
Private sources	18,000

VII. Staffing Problems

There are not many applicants for teaching positions. No applications at all for secondary level. Feeling is that this is due to lack of qualified people as well as a lack of job security due to operation on funded monies.

VIII. Services to Indians

Parents have the opportunity to control the school. The operation and administration of a school had to be learned as well as mechanics of budget and proposals. This, however, gives Indian people confidence and improves their self-image. Initial training took place at Busby School and further training is anticipated.

IX. Future Goals

Need for permanent buildings for the school and resolution of year-to-year funding problems. There will be expanded enrollment as well as expansion of facilities and hiring of teachers for secondary school.

BOB NELSON, DUCKWATER SHOSHONE SCHOOL, DUCKWATER, NEV.

I. History of School

The school is operated as a tribal private school, which first began its classes in November 26, 1973. The primary reason for the origin of the school was that the local Indian population didn't have any input or control in their children's education before in the Nye County school system, so they established the Tribal School.

II. Philosophy

Certainly to develop a pattern in survival skills (reading, math, language arts, etc.) to provide an excellent education for each individual student.

III. Education Program

The primary objective of the school is to provide the students with an adequate education to be an asset in the community. With the student-teacher ratio, the students receive a lot of individual help in all of their classes.

IV. Number of Students

There are 27 students attending the elementary grades Kindergarten thru eight, all of which are Indian children.

V. Number of Teachers

Two teachers are presently employed there, both are non-Indian, but to remedy the situation, the school has now five Native Americans employed in their teacher's aide program, who will eventually be certified teachers.

VI. Budget

Prior to 1976–1977 school year, the school has operated on a contract basis through the B.I.A. and from Title IV about $77,000.00. The school also participated in the Nevada state school lunch program. For the 1976–1977 school year, they will hope to receive some funds from J.O.M.

VII. Staffing Problems

There are no qualified instructors or teachers in the tribe. The primary problem is obtaining certified Indian teachers to come to the school. The teaching positions were well publicized throughout the western United States, in most Indian literature, but no applicants were received from any Indian teachers due to the remoteness of the area.

VIII. Future Plans and Goals

Maintain and increase the local community's interest in their children's education.

Eventually to have all of the staff composed of qualified Native American people.

APPENDIX V (CONTINUED)

SISTER JUDITH EMGE, OJIBWA SCHOOL BOARD, ST. ANN'S SCHOOL, BELCOURT, N. DAK.

I. History of School

Started in 1884 as a private Catholic School with funding from donations. Burned in 1907 and rebuilt in 1935. Formed by Sisters of Mercy as a mission school and was at that time the only school on the reservation. After the fire, the school was rebuilt by Benedictine Priests and staffed by Benedictine Sisters.

II. Philosophy

To provide ways and means of assisting children to develop emotionally and socially as well as to have greater possible opportunity to grow into active participation in their own culture as well as the total society.

III. Funding

School is operated at present time as a B.I.A. Contract School. It was first funded in April of 1974 when it incorporated as an independent school board; independent of the mission.

IV. Education Program

A completely individualized program with Title I monies. It is hoped that work on a one-to-one basis will significantly reduce the large number of dropouts.

V. Number of Students

There are 255 students attending the school from Grades K thru 8.

VI. Number of Teachers

There are 18 teachers with 2 administrative staff.

VII. Staffing Problems

Difficulty in obtaining local Indian teachers due to lack of adequate funding. Can't compete with salaries of other school salaries. Thus, at present time, have only two Indians on the staff.

VIII. Budget

General fund	$218,000
Title IV	70,000
Title I	63,000
J.O.M.	57,000

IX. Services to the Indian People

When the school was controlled by the Sisters and Priests, there was no input from the local community. Indian people had preferences for education of their children that wouldn't have been recognized as priorities by the religious staff, i.e., Cultural Studies. Underachievers in the system can now be helped through federal monies coming to the system from Indian control. Previously neglected to attempt to make youngsters aware of Indian and French Canadian heritage as a valuable asset. "Metis" or "Metches" as they are called have problems in acknowledging both sides.

X. Future Plans and Goals

Depend primarily on the future of continued federal funding. There is an increase in enrollment and many applications must be refused due to lack of adequate space. Parents expect much from the school in terms of quality and discipline and as such are anxious to have their children attend.

APPENDIX V (CONTINUED)

SUPERINTENDENT WEBSTER, LODGE GRASS PUBLIC SCHOOL, LODGE GRASS, MONT.

I. History of School

The original state school was built in 1937 with Public Law 815 moneys and an addition was built in 1955 also with 815 moneys. Since inception and to date school operates primarily on state funding as well as titled money. The school started as a state public school with all elected officials. From 1966 to 1971, the board was white controlled. In 1971, it became 100 percent Indian. At the present time, however, there's a 50/50 split, and good working harmony.

II. Number of Students

There are 328 students attending the school from grades K thru 8, with 142 attending the senior high from grades 9 thru 12.

III. Number of Teachers

There are 46 teachers, teaching grades K thru 12.

IV. Staffing Problems

None at present time, although one-third of Indian teachers not fully certified, and this situation must be resolved.

V. Budget

State funding (kindergarten thru 8)	$237, 488
State funding (9 thru 12)	151, 798
Title I	57, 000
Title IV	50, 000
Title VII	50, 000
J.O.M.	40, 000
874 (kindergarten thru 8)	130, 000
874 (9 thru 12)	59, 168
Special voted levy	90, 000

VI. Philosophy

To provide general education to meet the needs of Indian children for the 21st Century. This would necessitate further expansion into vocational areas. In the past, curriculum has been heavily college oriented. It is felt that attention must be given to students being able to obtain gainful employment.

VII. Education Program

General program allows for considerable flexibility with emphasis on skills in vocational areas.

VIII. Service to Indians

Indian Board listens more attentively to problems of their own students. Indian Board also enables school to receive federal funds for bilingual program. The students are also able to participate in cultural programs, Crow History, music and art initiated by their Board.

IX. Future Goals and Plans

Plans to orient educational program to a vocational future. Foresee extensive growth in student enrollment, more community involvement. School also has plans for a $300,000.00 bond issue for elementary school remodeling as well as a new structure for the high school.

APPENDIX V (CONTINUED)

DR. RICK ST. GERMAINE, LAC COURTE OREILLES EDUCATION COMMISSION, STEVE LAKE, WISCONSIN

I. History of School

An old building that was part of a segregated public school was renovated by the tribe in response to discontent voiced by the students resulting from declining relations at the local public school.

II. Philosophy

Operate under a community education concept open to the entire community. Community is used as a resource base and as a source of retaining culture. Emphasis is strong in areas of basic disciplines. Career-oriented organization with a mechanism development through higher education from kindergarten. There is also attention given in the area of industrial arts, vocational education, teacher training and off-site certification program.

III. Type of School

Indian controlled since January, 1976; private contract; tribal controlled.

IV. Number of Students

200 students (Grades K through 12).

V. Number of Teachers

15 teachers, 2 administrative, 5 aides, with eleven of these being Native Americans.

VI. Budget

Title IV	$475,000.
J.O.M.	Undetermined.
State aid	Nutrition.

VII. Service to Indians

Since this school has been in operation, there has been a tremendous difference in the rates of attendance. There previously was an extremely high drop-out rate in the public schools due to the students' dissatisfaction.

VIII. Future Goals

There is a plan to eventually develop a contract with the Bureau of Indian Affairs. There will also be a need for further financial assistance, and a possible boarding school for other Chippewa tribes in the area.

APPENDIX V (CONTINUED)

HANNAHVILLE EDUCATION COMMITTEE, AL GOSSEN, WILSON, MICH.

I. History of School

The school originated in 1975 as a Tribal School. The local people wanted a curriculum and teaching methods to better serve the Indian student's needs, so they established their own Potawatomi School.

II. Philosophy

Provide an adequate program to socially prepare each student in bicultural affairs and to be an asset to the Indian Community.

II. Education Program

The main objective is to teach the basic disciplines. With twelve people on the teaching staff, the students receive a lot of individual help. They have an awareness program to develop tribal and Native American heritage.

IV. Number of Students

Elementary, kindergarten through the eighth grades, there are 65 students attending the school.

V. Number of Teachers

There are six certified non-Indian teachers, and six full-time Indian teacher aides in the school. They're presently looking for an Indian male principal for the upcoming school year.

VI. Budget

In the school year 1975, the school was operated mostly on Michigan state funds ($75,000). The projected funds that will be received for school year 1967–1977 will be as follows:

BIA	$107,000
Title IV	100,000
Title I	24,000
JOM	10,000
State funds	75,000

VII. Future Plans and Goals

Develop individualized instruction for the aides to be certified teachers so they'll in turn teach the children to be top notch students. Explore every area of the education system to learn new teaching methods and continue to upgrade the educational standard of the Potawatomi Tribe.

APPENDIX V (CONTINUED)

ANTONE CHICO, JR., INDIAN OASIS SCHOOL BOARD, SELLS, ARIZ.

I. History of School

There used to be a government day school here, and then the students started going to a public school. In 1963, they changed the day school into a public school. It was here at Sells. They had a parochial school in Paulo and they could not afford to rent it and so it was closed down. We dedicated our Baboguivari High School on August 24, 1971. That was to take care of 150 junior high school students. But when we opened the school, there was 250 students so we had to move the junior high to the elementary school. It was only in the last year that we had them moved back to the Baboquivari High School.

II. Philosophy

It is a public school on the reservation. With an all Indian School Board, it is very difficult to obtain understanding from the Anglo administrators. They make excuses not to help us, we tell them what we want but they don't give it to us. I had to go to the tribal school board and explain this problem.

Our children that are high school graduates are having a hard time trying to get a job. Their aptitude test scores are not as high as they should be, although they got A's and B's during the school year.

III. Number of Students

Papago Reservation Enrollment is 1,083.

IV. Number of Teachers

Sixty-two.

V. Staffing Problems

We are lacking three teachers; we have three schools, one in Tapawah, Indian Oasis School and, a junior high school which started in 1963. It was Indian controlled at that time and had only three board members of which two were Indians and one was white. In 1965, the board members increased to five. It is all Indian controlled and has been since then.

VI. Budget

Funding: 874 impact aid—$581,000 with 90% in spring and 10% in late summer. State said we would get $947,425.88 derived from $961,765.09, we subtracted out the total taxes of $14,339.21 to get the 874 figure. We received 1/12 in July and this included September, October, January, February, March, then we received ⅙ in April and ⅙ in May and 1/12 in June. JOM: $173,333 in December.

VII. Service to Indians

The philosophy of the school is to try to give the highest quality of education to any student attending, in order to prepare them to live on or off the reservation. So they can take care of themselves no matter where they go. We haven't reached this goal but we are striving to reach it.

VIII. Future Goals

Another problem we have is enough funding. The state accuses us that state money comes from elsewhere to support two schools, and not directly from the reservation. We have a mine on the reservation and the taxes go off the reservation. We have the same problem with the Tucson area. The taxes from the mine there, go to a high school district in Salida, and not to the Indian school in Tucson.

APPENDIX V (CONTINUED)

RAY PHIPPS, BUSBY SCHOOL BOARD, BUSBY, MONT.

I. History

Busby was originally a BIA school, began in the early 1900's with one-half day classes and one-half day farming. Some sixty-seven years later, it was contracted to the Northern Cheyenne by the local BIA. Since 1972, it has been Indian Controlled, with the Tribal Council delegating the operation of the school to locally elected people.

II. Philosophy

The community believes there have been many changes in the Cheyenne way of life. Youth must be prepared for the responsibilities they will have to face as adults. This preparation should be initiated with instruction from parents and relatives. The community feels that cultural genocide was fostered in schools controlled by the federal government. They further feel that quality education will promote responsible behavior and make learning and success in professions of choice possible.

III. Education Program

So far has achieved partial fulfillment of the goals of the Board. At present time, the school is utilizing a method of individualized instruction where the students can progress at their own rate and level of ability. This being accomplished through the Westinghouse Computerized program. Program Learning In Accordance with Needs (PLAN). This is the second year of operation.

IV. Number of Students

The number of students attending this school is 350; this includes grades K-12.

V. Number of Teachers

There are 26 certified teachers at this school of which six are Native Americans.

VI. Staffing Problems

Goal to obtain qualified Indians and educate local teacher aides. Previously hard to find Indian educators but the situation is improving somewhat and the turnover aspect is also becoming better.

VII. Budget

General fund	$1,093,000
Title IV	200,000
Title I	100,000
Title VII	15,000

VIII. Service to Indians

The School Board is responsible for all decision making policies. They rely heavily on local decisions and community involvement.

IX. Future Plans

The school is optimistic about future funding. They would like to have more Indians on the staff. They plan to provide a program that will hopefully reduce drug abuse and alcoholism in the schools. Plans are in order to expand the curriculum and provide students with broader opportunity than adequate college preparation and include other areas as electives. They also plan to improve their facilities for gymnasium physical education, and an adequte dormitory facility.

APPENDIX V (CONTINUED)

HARRY DE LARME, EDUCATION ADMINISTRATOR, FORT TOTTEN SCHOOL BOARD NO. 30, FORT TOTTEN, N. DAK.

I. History of School

The school currently in its fourth year of operation was started when the community decided it wanted to re-establish the high school; at that time, students were being bussed to mission schools in various areas. The Bureau of Indian Affairs built temporary buildings in 1972.

II. Type of School

Fort Totten is a public school with an Indian controlled school board.

III. Goal of School

To give the student a strong basic education so he may continue on to competitive education such as college.

IV. Education Program

Within the regular school curriculum is included Indian history, tribal constitution, culture, and arts and crafts. There also is a boys' club and a recreation program.

V. Number of Students

The number of students attending this school is 160; grades 7-12.

VI. Number of Teachers

There are 18 teachers.

VII. Staffing Problems

The school is experiencing no difficulties.

VIII. Budget

State foundation	$115,000
874 impact aid	82,000
JOM	41,000
Title I	37,000
Title IV, part A	21,000

IX. Service to Indians

Through the understanding of the backgrounds of family and friends the student will be better equipped to respond to the problems of reservation life.

X. Future Plans and Goals

At this time, the educational curriculum is based on the North Dakota State guide however, there are plans to improve the current curriculum. A new school is being planned and currently the area of industrial arts, and a pre-vocational program are being explored.

AL PYATSKOWIT, MENOMINEE COUNTY EDUCATION COMMITTEE, KESHENA, WIS.

I. History of School

1972 started the beginning of summer sessions. Funded volunteer teachers in 1972. 1972–73 received private foundation monies from Donner and Stone Foundation and others. Committee of parents due to problems in local school district. Advisory referendum. Menominee County Education Committee incorporated and attempted to get Federal funds. Initially unsuccessful. 1973 funded from Title IV.

II. Type of School

Private school. Indian Controlled since 1972.

III. Education Program

Academic individualized program. Each student has starting point and procedure for own level and particular ability. Ungraded.

IV. Number of Students

42 students—Grade 9–12.

V. Number of Teachers

5 Indian Teachers and 2 non-Indian Teachers.

VI. Budget

Title IV, operational	$1,695
State Special Education	17,800
Bureau of Indian Affairs	15,000

VII. Staffing Problems

Lack of funds to hire. Creation of Menominee School District will use some of teachers.

VIII. Service to Indians

Mixed emotions as to capability of program for education. Most part favorable response. Youngsters prefer this since they are treated as individuals. Opportunity to learn own culture. Language course and culture, Indian Psychology.

IX. Future Plans and Goals

Two-year alternative program until school district becomes established then phased out.

APPENDIX V (CONTINUED)

BOB ROWAN, MILL CREEK SCHOOL DISTRICT NO. 4, ETHETE, WYO.

I. History of School

II. Philosophy

BIA Contract.

III. Education Program

Indian Controlled 1959.

IV. Number of Students

109—K–8.

V. Number of Teachers

18 (2 Indian Teachers and 2 Indian Counselors).

VI. Budget

General fund	$83,945
Instruction	149,950
Library	14,800
Nurse	9,700
Food	29,662
Transportation	25,000
Plant Operation	33,763
BIA	388,660
Title IV	130,000
JOM	10,000
ESAA	27,000

VII. Staffing

Transit people applying for jobs. Turnover large. Difficulty in funding; lack of certified teachers.

APPENDIX V (CONTINUED)

KATY PRETTY WEASEL KINSMAN INDIAN SCHOOL, CROW AGENCY, MONT.

I. History of School

Kinsman School, a private institution, was started in 1972, because of the failure of a Head Start Program, a number of parents decided to unite to start their own school for four and five-year-olds. At the inception of the school, there were no funds available so the staff consisted of volunteers.

II. Philosophy

The people believe that human resources are of greatest importance; as the youth of today will be the future ruling factor in the business of tomorrow. There is a need for better education and a balance in developing character.

III. Education Program

The school is emphasizing the basics with importance stressed on student discipline. Currently, they are developing Native American curriculum, language and culture.

IV. Service to Indians

The students at Kinsman have in the past suffered the usual problems resulting from discrimination in a public school (i.e., drop-outs, attendance problems, etc.). However, with an all Indian school board, and Indian staff, these and other problems are much improved.

V. Number of Students

The number of students are 150 enrolled; 120 regular; this includes K–8.

VI. Staffing Problems

Due to the lack of funding, it is difficult to maintain professional staff; therefore, many teacher aides are utilized.

VII. Budget

Shell Oil Company	$8,000
Title IV, Part B	99,000

Bus: Paid with donations.

X. Future Plans

Sixty-seven acres have been donated to the school and plans are to build a facility if funds are available. They are currently investigating the BIA Contract route.

APPENDIX V (CONTINUED)

ALFRED REDMAN, WYOMING INDIAN HIGH SCHOOL, ETHETE, WYO.

I. History of School

Started January 24, 1972 as contracted school due to feeling of local community interest in providing quality education for their children.

II. Philosophy

Students entitled to educational opportunities that would be equal to others across the nation. There is a need for Indian students to be equipped to enter into higher education and to serve in society as others. All the local community is involved in decision making responsibilities. Curriculum emphasis on arts, linguistics, history as well as cultural aspects and the political structures of Native Americans.

III. Education Program

Provide basic subjects and Native American studies. Combine cultural concerns with regular discipline. School curriculum just being initiated in the latter.

IV. Enrollment

135; includes grades 9–12.

V. Teachers

12 (4 Native Americans)

VI. Budget

BIA	$383,600
JOM	10,000
Title I	41,970
Title IV	125,000
ESEA	28,000

VII. Staffing Problems

Teachers are currently traditionally oriented. Working towards qualified Indian schools. There is a need for funding for teacher training.

VIII. Service to Indians

System of education held down educational programs of Indians for last 100 years. Chance to now prove that local community can service their own youngsters. Local community control is now more meaningful to students.

IX. Future Plans

Interested in developing a strong curriculum base that will serve Indians in the community and in career employment. Also strong interest in providing a teacher training for this community.

APPENDIX W

TRIBAL COUNCIL SURVEY—STATE BREAKDOWN OF RESPONSES (30 RESPONSES)

Arizona

Ak-Chin Indian Community, Route 1, Box 12, Maricopa, Ariz. 85239.

Fort McDowell Mohave Apache, Indian Community, P.O. Box 244, Fountain Hills, Ariz. 85268.

Hopi Tribe, P.O. Box 123, Oraibai, Ariz. 86039.

The Papago Tribe of Arizona, Box 837, Sells, Ariz. 85634.

California

Central Coast Indian Council, 728 13th Street, Paso Robles, Calif. 93446.

Fort Bidwell Indian Community Council, Fort Bidwell, Calif. 96112.

Happy Camp Karok Tribe, Inc., P.O. Box 716, Happy Camp, Calif. 96039.

Lone Pine Band of the Owens Valley, Paiute-Shoshone Indians, 1101 South Main, Lone Pine, Calif.

Soboba Band of Mission Indians, P.O. Box 487, San Jacinto, Calif. 92383.

Idaho

Cour d'Alene Tribe of Idaho, Plummer, Idaho 83851.

Kootenai Tribe of Idaho, P.O. Box 1002, Bonners Ferry, Idaho 83805.

Nez Perce Tribe, Box 305, Lapevai, Idaho 83540.

Massachusetts

Mashpee Wampanoag Indian Tribal Council, Inc., Box 28, Mashpee, Mass.

Minnesota

Lower Sioux Indian Community, Morton, Minn. 56270.

Minnesota Chippewa Tribe, Box 217, Cass Lake, Minn. 56633.

Montana

The Chippewa-Cree Tribe of the Rocky Boy's Indian Reservation, Box Elder, Mont. 59521.

Confederated Salish Kootenai Tribes, Dixon, Mont. 59831.

Nevada

Walker River Paiute Tribe, Schurz, Nev. 89427.

Yerington Paiute Tribe, 171 Campbell Lane, Yerington, Nev. 89447.

New Mexico

Pueblo of Zuni, Box 339, Zuni, N. Mex. 87327.

New York

Tuscarora Nation, a member of the Six Nations Iroquois Confederacy, Chief Leo Henry, Clerk, 2006 Mt. Hope Road, Tuscarora Nation, via, Lewiston, N.Y. 14042.

Oklahoma

Apache Tribe of Oklahoma, Box 879, Anadarko, Okla.

Iowa Tribe of Oklahoma, P.O. Box H, 126 South Main, Perkins, Okla. 74059.

Ponca Tribe of Indians of Oklahoma, Box 6, White Eagle, Ponca City, Okla. 74601.

South Dakota

Flandreau Santee Sioux Tribe, Box 292, Flandreau, S. Dak. 57028.

Cheyenne River Sioux Tribe, Box 100, Eagle Butte, S. Dak. 57625.

Washington

Muckleshoot Indian Tribe, Inc., 38811 172nd Avenue, S.E., Auburn, Wash. 98002.
Nisqually Indian Tribe, P.O. Box 579, Yelm, Wash. 98597.
Upper Skagit Indian Tribe, 808 Fairhaven Avenue, Burlington, Wash. 98233.

Wisconsin

Oneida Tribe of Indians of Wisconsin, Inc., Route 1, Wisconsin 54155.

California	5
Arizona	4
Idaho	3
Oklahoma	3
Washington	3
Minnesota	2
Montana	2
Nevada	2
South Dakota	2
Massachusetts	1
New Mexico	1
New York	1
Wisconsin	1

Types of Tribal Government

Twenty-six tribes responded to the question: 21 were IRA and five were Non-IRA. Those which were non-IRA were:

Central Coast Indian Council, California.
Soboba Band of Mission Indians, California.
Kootenai Tribe of Idaho, Idaho.
Ponca Tribe of Indians of Oklahoma, Oklahoma.
Iowa Tribe of Oklahoma, Oklahoma.

Education Committees

Number of tribes with education committees: 28

The members serving on the education committees number from one to fourteen and average seven members per committee. The Papago Tribe of Arizona has the greatest number with fourteen members.

All of the education committees hold a relationship to their tribal councils. Fifteen out of twenty-eight education committee members are selected by appointment by their tribal councils. Eleven out of twenty-eight education committee members are selected through various election processes employed by the tribal councils. Two out of twenty-eight education committee members serve on a volunteer basis; channeled first through the tribal council.

Of those tribes which submitted the means of their education program's operations, all were conducted by resolution (five).

Finances of Education Programs

Total monies expended by the tribes for education purposes

$11,932—Iowa Tribe of Oklahoma, Oklahoma.
$19,000—Flandreau Santee Sioux Tribe, South Dakota.
$22,801—Yerington Paiute Tribe, Nevada.
$45,615—Walker River Paiute Tribe, Nevada.
$50,124—Kootenai Tribe of Idaho, Idaho.
$52,000—Ak-Chin Indian Community, Arizona.
$73,500—Central Coast Indian Council, California.
$77,250—Ft. McDowell Mohave Apache Indian Commission, Arizona.
$94,000—Mashpee Wampanoag Indian Tribal Council, Inc., Massachusetts.
$131,288—Muckleshoot Indian Tribe, Inc., Washington.
$150,000—Nez Perce Tribe, Idaho.
$419,600—Coeur d'Alene Tribe of Idaho, Idaho.
$430,000—The Papago Tribe of Arizona, Arizona.
$586,958—Confederated Salish and Kootenai Tribes, Montana.
$605,165—Oneida Tribe of Indians of Wisconsin, Inc., Wisconsin.
$789,404—Cheyenne River Sioux Tribe, South Dakota.
$883,130—Pueblo Zuni, New Mexico.
$1,239,615—Hopi Tribe, Arizona.
$2,638,080—Minnesota Chippewa Tribe, Minnesota.

Total amounts of the funded programs under which the aforementioned tribes operate

Johnson-O'Malley	**$1,958,861**
Indian Education Act	**730,343**
Part B	**976,124**
Part C	**153,311**
Adult Basic Education	**59,535**
Headstart	**924,075**
CETA	**709,575**
Other	**2,882,638**
Total amount of money expended	**8,319,462**

Federal Government's Obligation

There was a 100 percent positive response that the federal government has an obligation for the education of American Indians.

The legal basis of the answer was generally founded upon the treaty and trust responsibility of the government (18 out of 25 replies). Some tribes attributed this obligation to various federal acts and regulations, i.e., Public Law 894, P.L. 638 (5 out of 25 replies). The Papago Tribe of Arizona replied that the legal basis was "'by the very fact that needs were presented but the Washington level does not see our needs." The Central Coast Indian Council from California cited the legal base for their answer being the "federal government policy of erosion of Native Culture."

The Lower Sioux Indian Community from Minnesota replied, "because of trust land status of reservations no revenue can be collected to support Indian Education—non-tax status. Special classes for Indian students are not provided for through the State Department of Education."

Indian Definition

For the purpose of education services, most of the tribal councils indicated that it was the tribe's responsibility to define Indians (21 out of 30 replies). Five tribes felt it was both the tribe and federal government's responsibility. The Central Coast Indian Council and Happy Camp Karok Tribe, Inc., both from California, responded that Indians should be defined by both the tribe and organization. The Lone Pine of the Owens Valley Paiute-Shoshone Indians from California and the Hopi Tribe from Arizona indicated it was the responsibility of the federal government solely to provide a definition of Indians.

Decisions Regarding the Education of the Children of the Tribe

The decisions made about the education of the children of the tribes regarding who makes these decisions resulted in different responses. However, at least half of the tribes indicated that the tribal councils, parent committees, education committees, or parents were responsible for education decision. A further breakdown of the responses is given below.

Thirty (30) responses—Who makes decisions about the education of the children in your tribe?

All of these (BIA, Local Education Agency (Public School), State, DHEW)—(9)

a. The Papago Tribe of Arizona.
b. Fort Bidwell Indian Community, California.
c. Soboba Band of Mission Indians, California.
d. Nez Perce Tribe, Idaho.
e. Ponca Tribe of Indians of Oklahoma.
f. Lower Sioux Indian Community, Minnesota.
g. Confederated Salish and Kootenai Tribes, Montana.
h. Nisqually Indian Tribe, Washington.
i. Oneida Tribe of Indians of Wisconsin, Inc., Wisconsin.

Local Education Agency (Public School)—(4)

a. Central Coast Indian Council, California.
b. Happy Camp Karok Tribe, Inc., California.
c. Mashpee Wampanoag Indian Tribal Council, Inc., Massachusetts.
d. The Chippewa-Cree Tribe of the Rocky Boy's Indian Reservation, Montana.

Other—(4)

a. Individual education committee; Parent's Education Committee; Preschool Parent's Committee (Ft. McDowell Mohave Apache Indian Community, Arizona).

b. The Tribal education committee and Tribal School Board (Coeur d'Alene Tribe of Idaho, Idaho).

c. Each individual, on the basis of their desire to attain higher education with BIA grant funds (Apache Tribe of Oklahoma, Oklahoma).

d. Education Committee and Tribal Council (Yerington Paiute Tribe, Nevada).

Local Education Agency (Public School); Other—(4)

a. Local Indian Education Project (Lone Band of the Owens Valley Paiute-Shoshone Indians, California).

b. Local Indian Education Committees: Tribal Executive Committee, Tribal Education Committee, and 3,312 students (Minnesota Chippewa Tribe, Minnesota).

c. Tribe (Tuscarora Nation, New York).

d. Tribe (Muckleshoot Indian Tribe, Inc., Virginia).

All of these; Other—(3)

a. Tribal Council Parent's Committee, Education Committee (Pueblo of Zuni, New Mexico).

b. Tribe (Walker River Paiute Tribe, Nevada).

c. Tribe (Cheyenne River Sioux Tribe, South Dakota).

BIA; Local Education Agency (Public School)—(2)

a. Flandreau Santee Sioux Tribe, South Dakota.

b. Upper Skagit Indian Tribe, Washington.

BIA; Other—(2)

a. Tribe (Ak-Chin Indian Community, Arizona.)

b. Parents—they are influential to their children (Kootenai Tribe of Idaho, Idaho).

BIA; DHEW—(1)

a. Iowa Tribe of Oklahoma, Oklahoma.

BIA; Local Education Agency (Public School); Other—(1)

a. The Hopi Tribe, "Contracting pursuing P.L. 638" Education Program utilization of Inter-Governmental Personnel Act 1970 and 275.3 of Public Law 638 (Hopi Tribe, Arizona).

Tribal Contribution of Money for Education

Less than half of the tribes contribute money for the purpose of education: 12 indicated yes; 18 replies no. Half of those tribes that responded yes give money for the purpose of scholarship or incentive purposes for higher education, i.e., college, high school graduation, etc. Below listed are specific details regarding the money given by various tribes:

a. Ft. McDowell Mohave Apache Indian Community, Arizona—$1,000 for the education committee.

b. Hopi Tribe, Arizona—$30,000 is appropriated for enrolled members of the Hopi Tribe for all post high school, college, university students. Approximately $10,000 is appropriated for summer youth employment below high school.

c. The Papago Tribe of Arizona, Arizona—Tribal Scholarship—for students $40,000 for 103 students. College and University.

d. Coeur d'Alene Tribe of Idaho, Idaho—Investment interest per year budgeted to grant program for tribal members. $4,000–$5,000 annually.

e. Nez Perce Tribe, Idaho—Through scholarships and vocational assistance.

f. Mashpee Wampanoag Indian Tribal Council, Inc., Massachusetts—Through real estate tax.

g. The Chippewa-Cree Tribe of the Rocky Boy's Reservation, Montana—Tribe gives small donation to graduates as an incentive to continue their education.

h. Confederated Salish and Kootenai Tribes, Montana—Money appropriated by the tribe to the education committee to be dispersed at the discretion of the committee.

i. Walker River Paiute Tribe, Nevada—People pay federal tribal higher education scholarships; income taxes.

j. Pueblo of Zuni, New Mexico—$21,150 Zuni Public (Revenue Sharing) entire community $22,860 Zuni Head Start—In-kind contribution—all four-year olds.

k. Tuscarora Nation, New York—Through taxes collected by the state on utilities within the Nation.

l. Iowa Tribe of Oklahoma, Oklahoma—Our tribal minor's receive $50 for Junior High Graduates. High School Graduates, $75. Program set-up from per capita distribution.

Unmet Special Needs of School-Age Children

The special needs not met can be divided into two basic categories: health-related, and special educational needs. The tribal councils cited both of these areas in approximately equal proportions (21 responses—9 were health related; 8 were education concerns; 4 cited health problems were presently being met). Specific details are listed below:

a. audio metric screening done late in the school year; yearly physical exams for school-age children, instead of four years apart; vision screening, eyeglasses arrived late in the school year (Hopi Tribe, Arizona).

b. health, dental, eyeglasses (Ft. Bidwell Indian Community Council, California).

c. nutrition and vision, family counseling, decent housing (Happy Camp Karok Tribe, Inc., California).

d. health and recreation (Soboba Band of Mission Indians, California).

e. funds for eye checkups and glasses (Coeur d'Alene Tribe of Idaho, Idaho).

f. want the students who may have learning disabilities or handicapped situations returned to the Indian School (Tuscarora Nation, New York).

g. health, eyeglasses (Ponca Tribe of Indians of Oklahoma, Oklahoma).

h. have 100% unmet need in contract dental care which makes it impossible to have any work done in the area of braces or other correction work (Cheyenne River Sioux Tribe, South Dakota).

i. psychological, dental, orthodontries, hearing; school personnel not responsible, school attendents (Muckleshoot Indian Tribe, Inc., Washington).

j. dental and eyeglasses are the number one health need (Upper Skagit Indian Tribe, Washington).

Vision and dental problems are the areas of greatest concern.

Education Concerns

a. cultural education (Yavapai language and legends) (Ft. McDowell Mohave Apache Indian Community, Arizona).

b. cultural education (Central Coast Indian Council, California).

c. counseling and tutoring (especially to keep children in school); begin at early age (Lower Sioux Indian Community, Montana).

d. programs for the enrichment nature for gifted children are very much needed. "Our children need encouragement; our children have the need to know a pride in themselves and in Indians in general as our Indian population is very much a minority on this reservation." (Confederated Salish and Kootenai Tribes, Montana).

e. more culturally relevant means of education children (Pueblo of Zuni, New Mexico).

f. greatest need in home-school activities. Parents need way to become involved in the school and need full-time personnel who can work in area of home-school coordination. Funding for trips, activities, etc. which would involve the out-laying district communities is needed. Funds for parental cost is needed. (Cheyenne River Sioux Tribe, South Dakota).

g. Indian input (Flandreau Santee Sioux Tribe, South Dakota).

h. additional special educational needs, i.e., counseling, etc. (Oneida Tribe of Indians of Wisconsin, Wisconsin).

Cultural education and special counseling programs for the children are the most outstanding areas of concern.

Greatest Educational Problems

The greatest educational problems encountered at the tribal level were distributed fairly among all of the tribes: 29 replies—12 indicated lack of information about programs; 12 indicated late funding of programs; 14 indicated red tape as the problems encountered frequently. The other problems listed by the tribes showed a certain amount of consistency and are expounded upon below.

Other Problems

1. Lack of adequate funding (10 responses):

a. not enough funding to provide the Indian community with all services needed, such as health, pre-school, day-care centers, social services, and employment (Soboba Band of Mission Indians, California).

b. funds insufficient often times to carry on project (Coeur d'Alene Tribe of Idaho, Idaho).

c. lack of funds, per capita funding systems, particularly for small Indian communities, do not provide sufficient monies to operate a successful program. (Lower Sioux Indian Community, Montana).

d. insufficient funds (Minnesota Chippewa Tribe, Montana).

e. lack of adequate funding for this tribe's tribal members because at one time this reservation was a sub-agency of the Ft. Belknap Agency and the adequate funding for this reservation has never been considered for a more favorable funding level, to include all phases of BIA operation (Chippewa-Cree Tribe of Rocky Boy's Indian Reservation, Montana).

f. we seem to just get a program off the ground and suddenly funding is no longer (Confederated Salish and Kootenai Tribes, Montana).

g. lack of adequate monies (Walker River Paiute Tribe, Nevada).

h. need to fund new programs at adequate levels (Pueblo of Zuni, New Mexico).

i. the recent decision to phase out Johnson-O'Malley basic support funds to certain reservation public school systems is causing hardship on Indian students who do attend these smaller public schools (Cheyenne River Sioux Tribe, South Dakota).

j. minimal funding necessitates part-time programs of short duration (Nisqually Indian Tribe, Washington).

2. Funding related problems (2 responses):

a. applications of reservation Indians should have top priority based on need and eliminate first come, first serve concept. Readers of the application forms should be local persons of the Parent Committee appointed by their Tribal Council that can relate and identify with local reservation education problems (Kootenai Tribe of Idaho, Idaho).

b. delayed cash flow. We often must wait six to eight weeks for reimbursements and advances under approved grants and contracts (Pueblo of Zuni, New Mexico).

3. Problems with State agencies and local school districts (4 responses):

a. local school districts unwilling to provide special education programs for Indian children (Central Coast Indian Council, California).

b. tribe prefers to deal directly with federal government and not be channeled through state agencies (Walker River Paiute Tribe, Nevada).

c. cooperative agreements between Bureau and Public School Systems lead to a poor quality of education for Indian students. This is because of several factors.

(1) The public school boards are afraid Indian parents will get control of the budget which they see as a "non-Indian taxpayers money" and they in no way want Indian people to control the funds.

(2) The public board is unable to operate on a one-school theory, and must keep a definite split in all matters, so as not to lose any "control" of public school teachers, equipment, funds, etc.

(3) While these public systems are getting Public Law 874 funds for Indian students, they feel no obligation to provide a quality education for these students. They ignore such things as high absentee rates, high drop-out rates, low-achievement among the Indian students. (Cheyenne River Sioux Tribe, South Dakota).

4. Lack of motivation and achievement—drop-out rate (3 responses):

a. high rate of drop out in high school; however, some later on pursue GED (Ak-Cink Indian Community, Arizona).

b. drop-outs and poverty (Ponca Tribe of Indians of Oklahoma, Oklahoma).

c. need motivation for education of youth and adults (Pueblo of Zuni, New Mexico).

5. Education employment related problems (3 responses):

a. civil service system; tribe unable to hire or recommend teachers due to the civil service system (Hopi Tribe, Arizona).

b. continued changes in reporting and budgeting processes particularly in the BIA employment assistance programs becomes a detriment to progress of programs. Personnel spend too much time learning and re-learning instead of time with the clientele (Confederated Salish and Kootenai Tribes, Montana).

c. Civil Service Related Problems:

(1) We have a system that recruits on a national level. In doing so, it works on the assumption that any person can work anywhere, irregardless of circumstances. This completely ignores the cultural, economic, and social difference found in our Indian communities. It results in cultural shock for many new teachers entering the system for the first time. Without adequate preparation, their first impressions are often negative and they carry these negative feelings with them thereafter. This in turn, affects the quality of education offered our children through these educators—both teachers and administrators.

(2) Civil Service employees are nearly impossible to remove from their positions after their first year of service. Thus, a poor educator is kept in the system, hurting the students. When enough pressure is placed for his or her removal, the problem is moved elsewhere rather than terminated. The move generally means a promotion, thus the 'Peter Principle' applies—the more you goof-up, the higher in the system you get.

(3) Civil Service educators are not required to serve out any school term in one system; therefore, should a better position open up in the middle of a year, they are under no obligation to remain in the system until the end of the school year. This creates a poor quality of education, where students are caught on the short end. (Cheyenne River Sioux Tribe, SD)

6. Lack of assistance (2 responses):

a. Inability to assist in curriculum for its students; inconsistency of technical assistance (Hopi Tribe, Arizona).

b. Lack of interest by the tribal council and business committee (Apache Tribe of Oklahoma, Oklahoma).

7. Problems of red tape:

a. Public Law 638—too discouraging to the committee because it takes too much red tape to go through contracting procedures to help the schools, then find out about the lack of funds at the Washington level (Papago Tribe of Arizona, Arizona).

b. Numerous forms lacking specific instructions from completion (Fort Bidwell Indian Community Council, California).

c. Lack of cooperation with the School District System. We could not get an up-to-date financial report of the Title IV funds, so we never knew what was in the account to spend (Happy Camp Karok Tribe, Inc., California).

d. Applications should be condensed and words simplified (Kootenai Tribe of Idaho, Idaho).

e. As non-federally recognized Indians, we feel that the federal agencies interpret the program in a way which excludes us from participation. Consequently, we expend much energy applying for programs when there is no hope of funding (Mashpee Wampanoag Indian Tribal Council, Inc., Massachusetts).

f. The tribe is trying to contract the Flandreau Indian School/BIA using regulations with no clear interpretation (Flandreau Santee Sioux Tribe, South Dakota).

It is apparent that the lack of funds in addition to the red tape involved in order to acquire these funds is detrimental to the education of the children of the tribe. In view of the fact that many tribes responded to educational concerns as special needs not met, the funding processes and monies available to tribes must be improved. Programs which are not refunded and new programs that do not get off the ground are due to lack of adequate funding. Some tribes indicated that the local state agencies do not support special education programs for Indian children and tribes seek the federal agencies as their source of money. Such problems can account for the drop-out rates and poverty that some tribes cited as an educational problem.

APPENDIX X

TASK FORCE HEARINGS

Location and Date

- Olympia, Wash., March 5, 1976.
- Oneida, Wis., March 17, 1976.
- Spokane, Wash. (also task force 10), March 22, 1976.
- Baton Rouge, La. (also task force 10), March 28, 1976.
- San Marcos, Calif., April 4, 1976.
- Boston, Mass. (also task forces 8 and 10), April 9–10, 1976.
- Pembroke, N.C. (also task forces 8 and 10), April 16–17, 1976.
- Denver, Colo., April 19, 1976.
- Albuquerque, N.M., April 23, 1976.
- Bismarck, N.D., April 27, 1976.
- Wyandotte, Okla. (also task force 10) May 2, 1976.
- Anchorage, Alaska, May 11, 1976.
- Syracuse, N.Y., May 15, 1976.
- Pierre, S. Dak., June 18–20, 1976.
- Washington, D.C., June 21, 1976.
- Washington, D.C., July 9, 1976.

APPENDIX Y

AFFILIATED TRIBES OF NORTHWEST INDIANS,
ADVOCATES FOR INDIAN EDUCATION,
Spokane, Wash., December 20, 1976.

Hon. JAMES ABOUREZK,
Chairman, American Indian Policy Review Commission,
U.S. Senate, Dirksen Building,
Washington, D.C.

DEAR SENATOR ABOUREZK: I wish to take this opportunity to present comments which reflect my views as a short term member of the Education Task Force which may clarify issues relating to the Task Force and its work that are somewhat cloudy at the present time. My work as a member began in March and ended in August which allowed almost five months. During this framework of time, hearings were planned, notices mailed out, and evidence collected from the field. However, in order to implement field hearings initially, my office at Advocates for Indian Education of the Affiliated Tribes of Northwest Indians in Spokane provided staff, facilities, and time to accomplish this major task. At one point in a Task Force discussion, the Chairperson stated that she did not hold field hearing activity in very high priority. The lateness in beginning the field hearings would attest to this lack of commitment.

Findings from the numerous hearings should have been presented in the early part of the final report regardless of the format dictated for Task Force reports. Dr. Suzanna Hayes, a Task Force consultant, compiled a superb summary of each presentation from each hearing, then incorporated them into a statement of needs. The chart prepared by the staff from this data does not adequately treat the vital information gathered; it lacks specificity and de-emphasizes the crisis nature of the needs stated in testimony. Therefore, I would suggest that Dr. Hayes' Introduction and Statements of Needs be included in the report as submitted, and where it could be easily located by the reader.

The interim and long-term recommendations presented in the final report have not included or have only touched lightly upon the following concerns stressed in field hearing testimony.

(1) The report neglects the area concerning tribal involvement where tribal councils, their education committees and organizations should be encouraged to participate in all phases of planning, preparation and implementation of recommended changes proposed by the Commission through the final legislation and administrative actions that develop from the Task Force's report and support data.

(2) No mention was made of the documented need to establish alternative schools. The failure of the public school systems to meet the educational needs of Indians where 70% of our Indian children attend schools, and the increasing number of alternative schools being developed by Indian tribes and communities in response to this need are evidence that this critical problem must be dealt with immediately.

(3) The interim recommendations mentions an example where BIA policies need reshaping with regard to off-reservation boarding schools. What must be clarified is the Task Force's consensus that the number of such schools should not be increased, but that every measure should be employed to improve the quality of instruction and facilities. It is apparent from the testimony and studies gathered that these improvements cannot be accomplished under the present regulations followed by the BIA.

(4) Rather than providing financial incentives to states to begin a task they should have undertaken decades ago, the recommendation should be to offer incentives to the local tribes who could then enlist the aid of the State Education Office's specialists to develop curriculum and related activities relevant to the needs of Indian students. The tribes in partnership with the State School officer could then work for statewide implementation of the program. Such a partnership

is necessary if changes are to be effectively achieved in the public schools educational process. The education and orientation of the non-Indian educators to Indian affairs, history, and culture cannot be left to chance.

(5) The recommendation to establish a national Indian education commission which was also included in proposed draft legislation would, if implemented, be in direct conflict with the wishes expressed by Indian people in their testimony. At no time did the full Task Force agree to such a concept. Rather, the concept of Indian commissions to deal with specific areas of education such as higher education, curriculum, libraries, etc., would be helpful to improve programs now and in the future, but this could not be interpreted to mean support for one commission to head all Indian education efforts.

I would like the above concerns included along with the recommendations submitted earlier to be considered by the Commission along with the Task Force Report as submitted by the Chairperson.

At this time, I would like to state that the criticisms I have of the entire Education Task Force efforts are (1) an insufficient budget *or* strict monitoring of budget with activities; (2) the unequal authority of each member; (3) constant changing of plans; (4) most important data held from field Task Force members until the very final hour; (5) the brief time allowed (1½ days) to read the reports available and come up with recommendations; (6) the final report not reflecting full Task Force concerns accurately.

The shortness of time allowed the Task Force members away from Washington, D.C. headquarters office to accomplish a task that should take a minimum of two years full time to adequately treat all the problems accumulated through decades in educating American Indians presented a formidable challenge, and one which I feel was not met for some of the reasons just stated.

Respectfully submitted.

LORRAINE F. MISIASZEK,
Indian Education Task Force Member.

APPENDIX Z

HEARING PARTICIPATION INFORMATION

Areas, tribes, or organizations	Site	Date	Type of conference	Task force members attending
Small Tribes of Western Washington	State Capitol, Olympia, Wash	Mar. 5, 1976	Formal hearing with task force 10	Lorraine Misiaszek.
Urban Indians, Minnesota	Minneapolis Regional American Indian Center, Minneapolis, Minn.	Mar. 15, 1976	Formal hearing with task force 8	Helen Scheirbeck.
Northwest Tribes (excluding Alaska)	Spokane Indian Center, Spokane, Wash	Mar. 22, 1976	Formal hearing	Helen Scheirbeck, Lorraine Misiaszek, Earl Barlow.
Louisiana, Mississippi Tribes	State Capitol, Baton Rouge, La	Mar. 26–29, 1976	Formal hearing and site visits to tribes and schools with task force 10.	Helen Scheirbeck.
Southern California and Arizona	Palomar College, San Marcos, Calif	Apr. 4, 1976	Formal hearing	Lorraine Misiaszek, Earl Barlow.
New England Tribes	John F. Kennedy Federal Office Bldg., Boston, Mass.	Apr. 9–11, 1976	Formal hearing and site visits to Massachusetts tribes with task force 10.	Helen Scheirbeck.
North and South Carolina	Pembroke State University, Pembroke, N.C	Apr. 16–17, 1976	Formal hearing with task force 10	Helen Scheirbeck.
Colorado, Utah, Wyoming, Nevada	Post Office Bldg., Denver, Colo	Apr. 19, 1976	Formal hearing	Earl Barlow, Lorraine Misiaszek.
Navajo	Civic Center, Window Rock, Ariz	Apr. 21–22, 1976	Formal hearing and site visits to public, boarding, and Indian-controlled schools.	Helen Scheirbeck, Earl Barlow.
New Mexico Tribes	Albuquerque Indian School, Albuquerque, N. Mex.	Apr. 23, 1976	Formal hearing and site visits to boarding schools.	Helen Scheirbeck, Earl Barlow.
North Dakota	United Tribes of North Dakota Training Center, Bismarck, N. Dak.	Apr. 27, 1976	Formal hearing	Lorraine Misiaszek.
Northeastern Oklahoma	Seneca Indian School, Wyandotte, Okla	May 2–3, 1976	Formal hearing with task force 10 and site visits to public and boarding schools.	Helen Scheirbeck.
Southwestern Oklahoma	Concho Boarding School, Concho, Okla	May 5, 1976	Formal hearing and site visits to public and boarding schools.	Helen Scheirbeck.
Sitka and Anchorage, Alaska		May 6-13, 1976	Formal hearings and site visits	Earl Barlow, Lorraine Misiaszek.
Western New York Tribes	Syracuse Indian Center, Syracuse, N.Y	May 12–15, 1976	Formal hearing and site visits to tribes and schools.	Helen Scheirbeck Kathy McKee.
South Dakota Tribes	Pierre Indian School, Pierre, S. Dak	June 18, 1976	Formal hearing	Helen Scheirbeck.
Regional/National Indian Organizations, USOE.	Rayburn Office Bldg., Washington, D.C	June 21, 1976	Formal hearing	Helen Scheirbeck, Lorraine Misiaszek.
National Indian Education Advisory Council, BIA.	Rayburn Office Bldg., Washington, D.C	July 9, 1976	Formal hearing	Helen Scheirbeck, Earl Barlow, Lorraine Misiaszek.

Note: Task forces 8 (urban and rural nonreservation Indians) and 10 (terminated and nonfederally recognized Indians) participated in select hearings of the Indian Education task force. In addition, task forces 8 and 10 asked questions in their hearings concerning education. These materials were shared with the Education task force which in turn analyzed and included such testimony in the section of this report dealing with field activities (pp. 156–164). See also the final reports of task forces 8 and 10.